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PREPARATIONS FOR THE 32D INTERNATIONAL
WHALING COMMISSION MEETING

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GOVERNMENT

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HEARINGS
BEFORE THE
SUBCOMMITTEE ON
INTERNATIONAL ORGANIZATIONS
OF THE
COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES
NINETY-SIXTH CONGRESS

SECOND SESSION

APRIL 30 AND MAY 20, 1980

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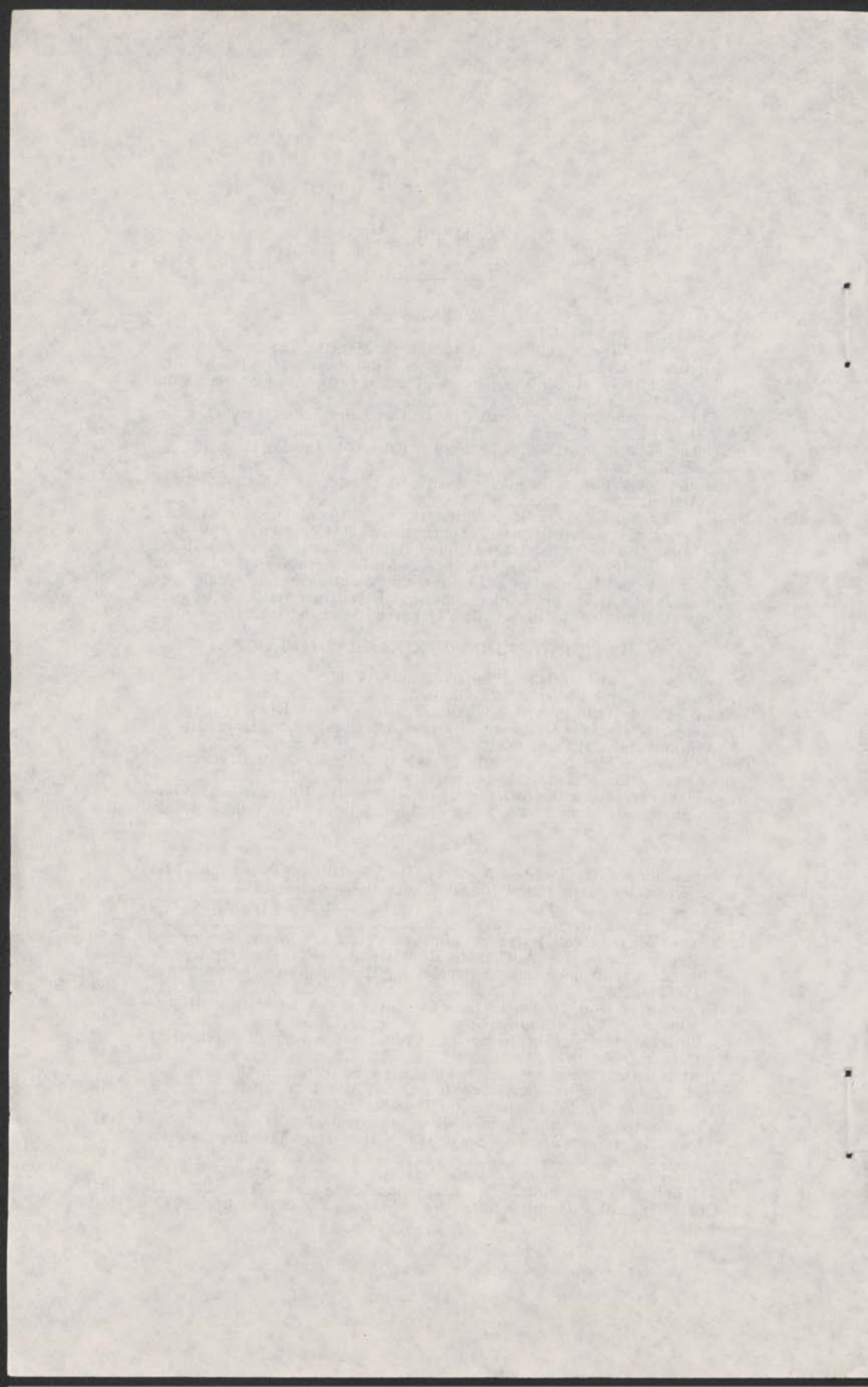
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PREPARATIONS FOR THE 32D INTERNATIONAL WHALING COMMISSION MEETING

WEDNESDAY, APRIL 30, 1980

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS,
Washington, D.C.

The subcommittee met at 10:30 a.m., room 2172, Rayburn House Office Building, Hon. Don Bonker (chairman of the subcommittee) presiding.

Mr. BONKER. The Subcommittee on International Organizations will come to order.

The Subcommittee on International Organizations meets this morning for the first in a two-part series of hearings on the 32d Annual International Whaling Commission meeting, to be held in Brighton, England, from July 21 to July 26, 1980. Last year, the subcommittee held several hearings on the 31st IWC session, and successfully gained unanimous House passage of a resolution urging the IWC to adopt a moratorium on commercial whaling.

This, along with the President's proclamation on putting an end to commercial whaling, contributed to our efforts at the IWC conference in England last year and made possible considerable progress in this area.

Congressman Pete McCloskey and I were congressional observers last year and participated behind the scenes to press ahead with our efforts to put an end to all forms of whaling.

Although the IWC stopped short of accepting a complete prohibition on pelagic whaling at last year's meeting, the 23 IWC countries did vote to impose an indefinite ban on pelagic whaling from factory ships, except in the Antarctic region.

If I recall, that was a so-called compromise advanced by Panama which ultimately the United States supported. We also made some progress on decreasing quotas on commercial sperm whaling, creating a 10-year whale sanctuary in the Indian Ocean, and reducing the overall quota for the taking of all whale species—from 19,526 to 15,654.

Such actions are encouraging, but several important questions remain unresolved. These include the adoption of an indefinite moratorium on commercial whaling; whether a zero quota should be established for the taking of bowhead whales in the Bering Sea—which I understand represents something of a crack in the environmental block and a topic of discussion today—whether the taking of Orca whales in the Antarctic seas should be prohibited; and whether the IWC Commissioners should be required to hold all meetings in open session.

I think we also should be looking at the recent action by the Soviet Union to harvest killer whales, which is a species very close to my heart, because in the State of Washington, we tried to protect killer whales around the Puget Sound, when they were the victims of Sea-world efforts to capture and displace that species.

The subcommittee intends to focus its attention today on these issues. We are fortunate to have before the subcommittee a panel of distinguished witnesses which includes Mrs. Christine Stevens, who is very prominent in this field, and who is secretary of the Society for Animal Protective Legislation.

We also have Mrs. Maxine McCloskey, who is executive director of the Whale Center in Oakland, California. Mrs. McCloskey and I have something in common; not only our environmental concerns, but we both served on the staff of Senator Maureen Neuberger many, many years ago.

Congressman Pete McCloskey will attempt to arrive later this morning to testify. We had scheduled Mrs. Joanna Gordon Clark, director of the Marine Action Center in Cambridge, England, but unfortunately, Mrs. Clark had difficulty getting her visa and is en route now. So, I will be meeting with her at a later date.

Then, we have Mr. Craig Van Note, executive vice president of Monitor, Inc. and Catherine Smith, Alaska Coordinator for Friends of the Earth.

I cannot think of a more distinguished panel to discuss the subject of whaling. We will begin with Mr. Craig Van Note. I know all of you have written statements which I would like to have you submit for the official record. We would have a more animated, interesting session if you would summarize your remarks to allow more time for questions.

Mr. Van Note you may begin.

STATEMENT OF CRAIG VAN NOTE, EXECUTIVE VICE PRESIDENT, MONITOR, INC.

MR. VAN NOTE. Thank you, Mr. Chairman. I am executive vice president of the Monitor consortium. Today I am testifying on behalf of 18 member organizations listed in my testimony. We greatly appreciate the opportunity to testify before you and your colleagues on the Foreign Affairs Committee, Mr. Bonker.

Your strong interest in the whales has had a profound impact on the whaling issue. Continuing oversight will guarantee that U.S. policies are carried out properly. In the end, we are confident that large-scale commercial whaling can be halted and the great whales will be left to live in peace and harmony in the sea.

I will skip over most of my testimony on the status of the whales to focus on a couple of key issues: Outlaw whalers, and the adherence to IWC quotas and the issue of secrecy at the International Whaling Commission.

MR. BONKER. I would appreciate your emphasizing "outlaw whalers" because of your special interest in that area. I recall your publication circulated at the IWC conference last year, and it is still relevant at this time. So, whatever you can share with the subcommittee on that topic will be appreciated.

Mr. VAN NOTE. Thank you. We see the whaling industry collapsing on itself from the greed and "miscalculations" of the whalers. The economics of most whaling are fast becoming prohibitive because of the high cost of fuel to run the huge factory ships and high-speed catcher boats, as well as the decrepit condition of the whaling ships.

But, instead of expiring quickly and economically, we are seeing the last-gasp efforts of the whalers to squeeze the last few years out of the equipment, to employ the few hundred whalers for a little while longer, to hunt down the last of the close-in, coastal whales.

The Japanese whalers in particular have carried out a cynical campaign to circumvent the declining quotas of the IWC by setting up and supporting "outlaw" whaling operations around the world. For years they operated such unregulated, non-IWC whalers in Peru and Chile, where tens of thousands of whales of any size or species were harpooned. The Japanese whalers have supported Spanish outlaw whaling, even encouraging huge kill increases in recent years.

Four years ago, the Japanese set up a new whaling operation in Taiwan with surplus stern trawlers converted to combination factory/catcher ships. The four ships, manned by former Japanese whalers, have been taking 1,000 whales annually. The whale meat has been smuggled into Japan as "Product of South Korea," an IWC member nation.

When Greenpeace exposed this illicit trafficking 2 months ago, the two largest fishing companies in Japan—indeed in the world—were exposed as the culprits. They are Taiyo Fishery Co., and Nippon Suisan.

According to Japanese Government sources, the two companies, which are the major owners of the Japan Joint Whaling Co., were bringing the Taiwan whale meat into South Korea, then repackaging it and exporting it to Japan.

The companies even short-cut that laundering route by transferring the whale meat on the high seas from the whaling ships to South Korean freighters, which then took the meat directly into Japan.

I would like to introduce two news stories from Japanese papers. The first is from Tokyo Shimbun,¹ March 14, 1980, headlined, "Bad Things Imported. Japanese Whaling in the Pinch." As a subheadline, "They import 1,500 tons per year, falsely labeled product of Korea from non-IWC country, Taiwan."

I would also like to introduce a news story from the Japan Times of April 14, 1980,² which further documents this illicit trafficking and I would like to read two paragraphs from it.

Officials of Japan's Fisheries Agency said that they were shocked at the report that the nation's two major fishery companies had been engaged in such illegal business practices.

Both fishery firms said that they did not know the meat was from Taiwan. But, the government agencies, which suspect the two firms of having violated the Tariffs Law and the Export-Import Control Ordinance by using false certificates of origin, began questioning them about their whale meat imports, industry sources said.

Mr. BONKER. Without objection, those documents will be made part of the official record.

¹ The informal translation of this article is on file in the subcommittee office.

² See article in appendix.

Let me ask, is South Korea a member of the IWC?

Mr. VAN NOTE. Yes.

Mr. BONKER. This information is well known from publications. Has it been brought to the attention of the IWC and have there been inquiries made to the Government of South Korea regarding their complicity in this arrangement?

Mr. VAN NOTE. I don't know what the IWC is doing, but I know the U.S. Government has approached South Korea to get an explanation for this. I am sure that it will be provided at an IWC meeting in July.

Mr. BONKER. It seems to me that South Korea does not have much to gain and a great deal to lose by being part of this arrangement, because it is just a cover for the Japanese whalers.

Mr. VAN NOTE. I agree. Unfortunately, the South Koreans seem to support everything the Japanese do in whaling. Particularly at the IWC, so they may be in complicity in this.

Mr. BONKER. Obviously, they are.

Mr. VAN NOTE. Well, it is questionable whether they knew at higher levels this was going on. It could have been strictly a Japanese operation all the way. We don't know.

Taiyo Fishery Co. has had a lot of practice at such deception. It owns the Peruvian and Chilean whaling operations and has shipped the whale meat from those stations to Japan by similar ruses.

In 1977, Taiyo sought to expand its Chilean whaling operation by exporting a modern stern trawler, the *Orient Maru No. 2*, from Japan. In a document filed with the Japanese Government, Taiyo stated: "The purpose of such procurement is its use for shrimp trawling off the coasts of Panama."

The ship, renamed the *Paulmy Star No. 3*, was indeed registered in Panama as a "camaronero," a shrimp boat. But, it never got within 2,000 miles of Panama. Instead, it showed up in Chile with a harpoon gun on its bow and began hunting down 500 whales annually outside any regulation. Even the rare blue and white whales are taken.

Taiyo's most flagrant subversion of the IWC has been its involvement in the pirate whaler *Sierra* and several sister ships. The *Sierra* roamed the Atlantic for a dozen years killing every whale it could find in areas totally off-limits to IWC whaling.

Four Japanese "production inspectors," all former Taiyo employees, oversaw the butchering of each whale so that only the choicest cuts were sent back to Japan. In the early 1970's the meat was exported to Japan via a Taiyo subsidiary, Taiyo Canada Ltd.

When the *Sierra's* secretive operations was exposed in 1975, a Taiyo official, Mr. Higuchi, set up a dummy company in the Bahamas, C. D. Jaxon Co., Ltd., to launder the meat. Taiyo refrigerated freighters made regular stops at African and south European ports to pick up the *Sierra's* cargo.

In February, the *Sierra* mysteriously blew up and sank in Lisbon harbor. But the *Sierra* gang has another pirate ship somewhere in the North Atlantic, the *Cape Fisher*, which was converted from the Japanese stern trawler *Yashima Maru* last year.

And two more pirate whalers were outfitted in South Africa last year: The *Susan* and the *Theresa*. Each had \$1 million in freezing

equipment installed below decks to make them long-range factory/catcher ships. It is more than coincidence that the manufacturer of the refrigeration equipment is Taiyo Engineering Co. of Japan, a subsidiary of Taiyo Fishery Co. Fortunately, the South African Government has prevented these two ships from leaving port.

We must ask why the Japanese whalers have been able to get away with all these outlaw activities for years and years. It has been obvious that the Government of Japan—and specifically the Ministry of Fisheries—has covered up this scandal.

Indeed, it appears that the Government actively encouraged the Japanese whalers to set up and expand these non-IWC whaling operations as part of a global strategy to insure supplies of food and other resources.

Mr. BONKER. May I interrupt to go into recess for approximately 10 minutes so I can vote? I hope there won't be many interruptions this morning. The subcommittee will reconvene at 11:15.

[Whereupon a short recess was taken.]

Mr. BONKER. The subcommittee will come to order. Mr. Van Note was testifying.

Mr. VAN NOTE. The Japanese Government has repeatedly denied any knowledge of the outlaw whaling when questioned at IWC meetings in recent years. Such claims are preposterous, given the fact that representatives of the Taiyo Fishery Co. have served on the IWC delegation each year. In fact, Taiyo, which is the world's largest fishing company, so dominates the Japanese fishing industry that it might be safe to say Taiyo dictates the policies of the Fisheries Ministry.

Only now, when the Japanese Government has several hundred tons of illicit whale meat sitting for all to see on the docks, and with the U.S. Government pointing a finger at the outlaw whaling, has the scandal finally been admitted by Japan.

Mr. BONKER. Admitted in what form, officially?

Mr. VAN NOTE. These news stories are quoting officials of fisheries agencies, admitting that Taiyo and Nippon Suisan were smuggling this illicit whale meat in from Taiwan. This is the first time the Government has ever admitted anything like this.

So we finally forced them to—

Mr. BONKER. It seems to me the industry has made the admission, not necessarily the Government authorities.

Mr. VAN NOTE. The Ministry of Fisheries. The U.S. Embassy in Tokyo has confirmed this with the Ministry of Foreign Affairs, so there is no doubt that the Japanese Government is finally coming clean on this, I think. One way the United States can influence Japan to stop this outlaw whaling and stop subverting the IWC is to use our fishery allocations to achieve this independence. Earlier this year, President Carter withdrew the Soviet fish allocation, largely in the Bering Sea, because of the Afghanistan invasion. This allocation was approximately 340,000 metric tons.

The Japanese Fishing Association has approached the Government and Capitol Hill for allocation to them of some of the Soviet quota. We sent a letter signed by 19 conservation groups to the head of the National Marine Fisheries Service last month, calling on him to transfer some of the Soviet fish allocation to the Japanese only if the

Japanese agree to stop importing from these whalers, stop supporting these outlaw whaling operations, stop exporting whaling equipment and expertise, and also to stop the taking of dolphins and porpoises.

I would like to submit this letter for the record.

Mr. BONKER. There is no objection. The letter will be included in the official record.

[The letter referred to follows:]



MONITOR

THE CONSERVATION, ENVIRONMENTAL
AND ANIMAL WELFARE CONSORTIUM

1506 19th St., N.W.
Washington, D.C. 20036

(202) 234-6576

26 March 1980

Mr. Terry Leitzell
Assistant Administrator for Fisheries
National Marine Fisheries Service
National Oceanic and Atmospheric
Administration
Department of Commerce
Washington, D.C. 20235

Dear Terry,

The following member organizations of the Monitor
consortium endorse the contents of this letter:

Society for Animal Protective Legislation
The Humane Society of the United States
Defenders of Wildlife
American Cetacean Society
Connecticut Cetacean Society
International Fund for Animal Welfare
The Center for Action on Endangered Species
Center for Environmental Education
Cetacean Relations Society
Friends of Wildlife
American Society for the Prevention of Cruelty
to Animals
International Primate Protection League
Friends of Whales
Birmingham Marine Animal Protection Society
Washington Humane Society
The Fund for Animals
Greenpeace
The Whale Center
Rare Animal Relief Effort

The exploitation and destruction of marine mammals
continues to be a major problem world-wide. We greatly
appreciate the dedication of you, Bill Aron, and other officials

at NOAA in implementing the Marine Mammal Protection Act and the strong policies of President Carter.

While there have been great strides in recent years in whale and dolphin conservation, we are confronted with two vexing problems: 1) Japan's last-ditch efforts to keep alive its bankrupt pelagic whaling industry, and its support of non-IWC, "outlaw" whaling, and 2) Japan's policy of exterminating thousands and thousands of dolphins that are "competing" with coastal fishermen.

We urge you and NOAA Administrator Richard Frank to raise these issues with the Government of Japan and the Japanese fishing industry when you travel to Japan next month.

The Japanese government policies of exploitation and extermination of cetaceans have aroused strong condemnation around the world. Two weeks ago, forty-eight members of Congress signed a letter to Prime Minister Ohira of Japan to protest the ongoing dolphin massacre at Iki Island. The letter stated, in part:

"The savage and cruel slaughter of these highly intelligent and social mammals should not be condoned by any civilized nation...There are certainly more humane means of clearing your fishing areas of dolphins. Such cruel and inhumane treatment must come to an end. Certainly, a nation as dedicated to peace and the value of human life as Japan will not continue to permit the wholesale killing of highly intelligent mammals."

The whale-killing and dolphin-massacres will continue to be a harpoon in the side of U.S.-Japanese relations unless enough pressure and/or reason can be brought to bear on Japan to adopt policies of cetacean conservation.

Japan has not only steadfastly opposed international efforts for whale conservation, but it has flagrantly undermined the IWC by condoning outlaw whalers owned or supported by Japanese whaling interests.

Japan has repeatedly claimed that its whalers and fishermen know no other vocation, and therefore would be unemployed if the killing of whales and dolphins was halted. Only a few hundred workers now survive in whaling, a bankrupt industry that has declined with the ill-fated whales.

A solution to the whaling issue -- a complete shutdown of commercial whaling by Japan -- can be achieved by a U.S. offer of increased access to our 200-mile fishery zone. The whalers could readily be employed in the Bering Sea fishery. The Japan Fisheries Association is already making overtures toward access to the 340,000 metric ton fish allocation that has been withdrawn from the Soviet Union.

We recommend that the U.S. transfer a portion of the Soviet allocation only if Japan:

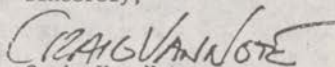
- 1) agrees to a total halt, by the end of 1980, of all commercial whaling operations, including pelagic and coastal whaling (This could easily be achieved if Japan would support the moratorium proposal expected to be on the agenda of the July IWC meeting.);
- 2) halts the importation of all whale products, whether from IWC or non-IWC whalers. This will close the prime market for whale meat, and it is the only way Japan can guarantee that it is not trafficking with outlaw whalers;
- 3) forbids the export of whaling equipment and expertise, which has spread whaling worldwide;
- 4) halts the directed take of all cetaceans, particularly the dolphins and porpoises that are under increasing pressure from fishermen.

Japan should subsidize its fishermen not to kill dolphins, rather than the present cash incentive to massacre. The Japanese government should address the real causes of declining fish catches: over-fishing and pollution.

Increased access to the U.S. fishery zone is an enormous incentive for Japan to agree to stop the killing of cetaceans.

We urge you to inform the Government of Japan and the Japan Fisheries Association that there is strong opposition within the United States conservation and animal welfare communities to any increased allocation for Japan unless Japan adopts strong protective measures for all cetaceans.

Sincerely,


Craig Van Note
Executive Vice President

Mr. VAN NOTE. I would hope this committee would look at this proposal seriously. It is a carrot to use on the Japanese to go along with the various sticks we are now using to get them to comply.

Another major problem facing the whales is adherence to IWC quotas by member nations. In the old days of the whalers' club, any nation that did not like a quota could file an objection and therefore be free to kill as many whales as it wanted.

In 1974 the United States decided to plug that whale-sized loophole by threatening to use the Pelly amendment against Japan and the Soviet Union for their objections to whale quotas that year. The threat of an embargo of their fishery products by the United States forced those nations to abide by the quotas in subsequent years.

But now we see flagrant violations of IWC quotas in recent months by the Soviet Union and Peru and an objection by Spain to its quota on fin whales for the coming whaling season.

Last November, the Soviet factory ship *Sovetskaya Rossiya*, and its fleet of catcher boats left Vladivostok bound for the Antarctic, which is the only area left open to pelagic whaling under IWC regulations voted last year. Instead of heading south, however, the Soviet fleet crossed the North Pacific, killing 201 sperm whales, in clear violation of the pelagic whaling ban in the North Pacific.

The Soviet fleet then proceeded to further defy IWC regulations when it harpooned 916 Orcas—killer whales—off the coast of Antarctica early this year. This was particularly outrageous because the Scientific Committee of the IWC had instructed the Soviets that any Orca take should not exceed the 10-year average of 24.

This decimation of the little known Orca population in Antarctica by the Russians may have permanently crippled the species.

The United States should make the strongest protest about the Soviet infractions at July's IWC meeting. The Soviets should be penalized for their illegal killing with loss of quotas on other whales in 1981. We should work to get a zero quota placed on the Orcas.

I shall skip most of the part on Peru, but just point out that the Peruvians' claim they did not understand what the quotas were strains the imagination, because the Peruvian whaling station is owned by Taiyo Fishery Co., and is directed by radiotelephone from Tokyo. If there is any company in the world that should know IWC regulations, it is Taiyo Fishery Co.

The United States should demand that the illegal whale kill last fall by Peru be taken out of this year's quota. The United States should also hold Peru to a commitment it made last year to phase out its whaling by the end of 1981.

Last October, Spain filed an objection to the fin whale quota set by the IWC for the 1980 season.

The United States is now threatening Spain with the Pelly amendment sanctions, and I presume Packwood-Magnuson sanctions, and I would hope this committee would keep an eye on that development.

There is a problem of verification of whale kills in many of these countries because there are no independent observers at the stations. It is absolutely imperative that observers are placed at the Spanish stations this year, before the season starts, because we have quite a bit of evidence that they have cheated in the past, or given incorrect kill reports.

There are similar verification problems in Peru, where large numbers of undersized and lactating females, as well as endangered whales, have been taken in the past. It would be very helpful if this committee would instruct the U.S. Government to push for an observer scheme for all whaling nations.

There is a mechanism under the IWC for this, but it is little used. In fact, the only real observer program is a trading between the Soviets and the Japanese on their whaling fleets.

A final problem that faced the IWC in the last 2 or 3 years has been secrecy. During the 1950's and 1960's the IWC was operated as a whalers' club. The major whaling nations, particularly Japan, Norway, and the Soviet Union, dictated the disastrous policies that led to the collapse of almost all whale populations. These policies of over-exploitation were made in virtual secrecy, behind closed doors. The press was not admitted to any of the 5-day process and member nations were pledged to secrecy.

Only when the Nixon administration adopted a strong whale conservation stand did the IWC open up its decisionmaking process to reason and science. In 1972 the U.S. delegation to the IWC was headed by Russell Train, Chairman of the President's Council on Environmental Quality.

Fresh from the Stockholm Conference on the Human Environment, which called, by a vote of 53 to 0, for a 10-year moratorium on all commercial whaling, Mr. Train proposed that the IWC adopt this moratorium. He was rudely rebuffed by the Japan-Norway-Soviet Union bloc, who kept the issue from even being brought to a vote. Instead, the whalers' club adopted higher quotas, ignoring the warnings of the IWC's own scientists.

This business-as-usual attitude of the IWC in 1972 led Train to call a press conference outside the meeting hall, to denounce the secrecy and arrogance of the IWC. Each day of the meeting he gave a full report of the proceedings to the press. This destroyed the wall of secrecy that had surrounded the IWC meeting and laid bare the mismanagement of the whales.

In 1973, U.S. Commissioner Robert White again fought to open up the IWC to the world. He also briefed the press and called for press access to the IWC sessions. This proposal scared the old guard commissioners and it was roundly rejected year after year. However, in 1977, at the IWC meeting in Canberra, Australia, U.S. Commissioner William Aron fought through a resolution granting press access to the plenary sessions of the IWC, beginning in 1978.

The watchful eye of the press was too much for the secretive commissioners in 1978, however. So last year, in London, they persuaded the chairman of the IWC, the Icelandic commissioner, to banish the press to a downstairs room equipped with loudspeakers. The press was not allowed access to the different delegations for interviews and newsmen were unable to interpret what was going on in the upstairs meeting room from the loudspeakers that were turned on and off whenever the plenary sessions began or ended.

It was most unfortunate that the U.S. Commissioner, Richard Frank, did not protest forcefully this obvious move to stifle the press. It clearly violated the spirit and the intent of the agreement fought so hard for by the United States.

We urge this committee to demand that the IWC be opened up to full press access, just as virtually every other international organization allows.

Perhaps the most sinister tactic of secrecy has developed at the IWC in recent years. This is the private "commissioners' meetings" where only the whaling commissioners are allowed. Not even members of delegations, let alone nongovernment observers or the press, are privy to these backroom sessions.

Until 2 years ago, such meetings were infrequent and called to iron out one or two sticky differences. But as the issues became more fractious and the business-as-usual system came under increasing attack from conservation-minded governments, conservationists and the press, the commissioners began withdrawing more and more frequently behind those convenient closed doors.

This reversion to the bad old days reached such extraordinary lengths at last year's meeting that on several days the commissioners' meetings took up more time than the scheduled technical and plenary sessions. One day, in fact, the commissioners holed up for more than 4 hours straight.

Most of the difficult decisions at the IWC in 1979 were made in these secret meetings. We can only conclude that the commissioners were wheeling and dealing on whale quotas, trading for their sperm whales, minke whales, fin whales, Bryde's whales, sei whales, and even the U.S. bowhead whales. Deals were cut to set higher quotas than those recommended by the Scientific Committee of the IWC.

It was disconcerting to say the least to see U.S. Commissioner Richard Frank participating without objection in these secret meetings. We must ask, what happened to the U.S. policy of opening up the decisionmaking process of the IWC to public and scientific scrutiny?

Are "open covenants, openly arrived at" not good enough for the whales?

Last month, 67 national conservation and environmental groups sent a letter to President Carter, asking him to personally address several conservation issues.

One of the problems raised was U.S. whaling policy. The letter stated:

The U.S. has abdicated leadership in the international effort to end commercial whaling because the U.S. Commissioner to the International Whaling Commission (IWC) has given priority to obtaining a high quota for Alaska's Eskimos on the endangered bowhead whale.

The United States must not compromise its principles by trading off hundreds and thousands of whales to the commercial whaling nations for a handful of bowhead whales.

Please direct our IWC Commissioner to adhere to your commendable policy against commercial whaling and to oppose all secret meetings at the IWC.

Thank you for allowing me to testify.

[Mr. Van Note's prepared statement follows:]

PREPARED STATEMENT OF CRAIG VAN NOTE, EXECUTIVE VICE PRESIDENT,
MONITOR, INC.

I am executive vice president of Monitor and am testifying today on behalf of the following member organizations of the Monitor consortium: The Fund for Animals, Greenpeace U.S.A., The Humane Society of the United States, International Fund for Animal Welfare, American Cetacean Society, Connecticut Cetacean Society, Defenders of Wildlife, Center for Action on Endangered Species, Center for Environmental Education, Cetacean Relations Society, Friends of Wildlife, American Society for the Prevention of Cruelty to Animals, Friends of Whales, International Primate Protection League, The Whale Center, Rare Animal Relief Effort, Birmingham Marine Animal Protection Society and the Washington Humane Society.

We greatly appreciate the opportunity to testify before you and your colleagues on the Foreign Affairs Committee, Mr. Bonker. Your strong interest in the whales has had a profound impact on the whaling issue. Continuing oversight will guarantee that U.S. policies are carried out properly. In the end, we are confident that large-scale commercial whaling can be halted and the great whales will be left to live in peace and harmony in the sea.

Although there has been a steady reduction in whaling since 1973, from more than 46,000 to around 18,000 this year, there is little cause for relief. Whale populations have collapsed from decade after decade of over-kill. The whaling industry over-capitalized in the 1950's and early 1960's with more than twenty fleets scouring the high seas at once and

literally liquidated the resource. First the blue and humpback whales were wiped out. Then the fin and sei whales were decimated. Catch per unit of effort plunged as the major whaling nations competed feverishly to kill off the last of the whales before the "other guy" got them. This rapacious behavior has been termed "the tragedy of the commons." The whalers have an even more stark term: "commercial extinction." The blue, humpback, fin and sei whales have been given total or virtually total protection by the International Whaling Commission. That may have been too late for the blue and humpback whales, however. Scientists have found no indication that the few thousand survivors of the two species have been able to increase their few and far-flung numbers.

Virtually the entire weight of the whaling industry has fallen on the last two commercially viable species in recent years, the sperm and minke whales. The minke whale was not heavily exploited until 1970 because this species, by far the smallest of the great whales, was considered not nearly as profitable as the giant blues or the fins and seis. Today, some 10,000 of the IWC's 16,000 quota for this year is the minke whale, taken by the Japanese and Soviet fleets in the Southern Ocean and by land stations in Norway, Brazil, Japan and South Korea. Little is known of the population biology of the minke whale because heavy exploitation only began in the last decade.

But we know much more about the sperm whale, the other species still under heavy attack, and the prognosis is not good. Hunted for its valuable oil in every ocean, the sperm whale has been driven to a population crash. In the 1960's, the IWC adopted a "scientific" quota for the killing of tens of thousands of young male sperm whales on the theory that this species, being polygamous, did not need many males around to keep the females reproducing. This "management" scheme resulted in a collapse in the number of mature males entering the breeding stock. Two years ago, the IWC was finally forced to recognize the warnings of independent scientists (which means scientists not under the control of the whaling nations) against this policy. Last year the IWC voted a halt to all pelagic (factory ship) whaling on sperm whales. Will this help the species? Not for a long time, the IWC concluded. There are so few mature males in the North Pacific, for example, that the sperm whale population there will continue to drop for at least a decade even without a single sperm whale being harpooned.

This sort of tragic miscalculation has been the history of the IWC.

So we see the whaling industry collapsing on itself from the greed and "miscalculations" of the whalers. The economics of most whaling are fast becoming prohibitive because of the high cost of fuel to run the huge factory ships and high-speed catcher boats, as well as the decrepit condition of the whaling ships.

OUTLAW WHALERS

But instead of expiring quickly and economically, we are seeing the last-gasp efforts of the whalers to squeeze the last few years out of the equipment, to employ the few hundred whalers for a little while longer, to hunt down the last of the close-in, coastal whales. The Japanese whalers, in particular, have carried out a cynical campaign to circumvent the declining quotas of the IWC by setting up and supporting "outlaw" whaling operations around the world. For years they operated such unregulated, non-IWC whalers in Peru and Chile, where tens of thousands of whales of any size or species were harpooned. The Japanese whalers have supported the Spanish outlaw whaling, even encouraging huge kill increases in recent years.

Four years ago, the Japanese set up a new whaling operation in Taiwan with surplus stern trawlers converted to combination factory/catcher ships. The four ships, manned by former Japanese whalers, have been taking 1,000 whales annually. The whale meat has been smuggled into Japan as "Product of South Korea," an IWC member nation. When Greenpeace exposed this illicit trafficking two months ago, the two largest fishing companies in Japan -- indeed the world -- were exposed as the culprits. They are Taiyo Fishery Company and Nippon Suisan. According to Japanese Government sources, the two companies, which are the major owners of the Japan Joint Whaling Company, were bringing the Taiwan whale meat into South Korea, then repackaging it and exporting it to Japan. The companies even short-cut that laundering route by transferring the whale meat on the high seas from the whaling ships to South Korean freighters, which then took the meat directly into Japan.

Taiyo Fishery Company has had a lot of practice at such deception. It owns the Peruvian and Chilean whaling operations and has shipped the whale meat from those stations to Japan by similar ruses.

In 1977, Taiyo sought to expand its Chilean whaling operation by exporting a modern stern trawler, the Orient Maru No. 2, from Japan. In a document filed with the Japanese government, Taiyo stated: The purpose of such procurement is its use for shrimp trawling off the coasts of Panama." The ship, renamed the Paulmy Star No.3, was indeed registered in Panama as a "camaronero," a shrimp boat. But it never got within 2,000 miles of Panama. Instead, it showed up in Chile with a harpoon gun on its bow and began hunting down 500 whales annually outside any regulation. Even the rare blue and right whales are taken.

Taiyo's most flagrant subversion of the IWC has been its involvement in the pirate whaler Sierra and several sister ships. The Sierra roamed the Atlantic for a dozen years killing every whale it could find in areas totally off limits to IWC whaling. Four Japanese "production inspectors," all former Taiyo employees, oversaw the butchering of each whale so that only the choicest cuts were sent back to Japan. In the early 1970's, the meat was exported to Japan via a Taiyo subsidiary, Taiyo Canada Ltd. When the Sierra's secretive operation was exposed in 1975, a Taiyo official, Mr. Higuchi, set up a dummy company in the Bahamas, C.D. Jaxon Company Ltd., to launder the meat. Taiyo refrigerated freighters made regular stops at African and south European ports to pick up the Sierra's cargo. In February the Sierra mysteriously blew up and sank in Lisbon harbor. But the Sierra gang has another pirate ship somewhere in the North Atlantic, the Cape Fisher, which was converted from the Japanese stern trawler Yashima Maru last year.

And two more pirate whalers were outfitted in South Africa last year: the Susan and the Theresa. Each had \$1 million in freezing equipment installed below decks to make them long-range factory/catcher ships. It is more than coincidence that the manufacturer of the refrigeration equipment was Taiyo Electrical Engineering Company of Japan, a subsidiary of Taiyo Fishery Company. Fortunately, the South African Government has prevented these two ships from leaving port.

We must ask why the Japanese whalers have been able to get away with all these outlaw activities for years and years. It has been obvious that the Government of Japan -- and specifically the Ministry of Fisheries -- has covered up this scandal. Indeed, it appears that the government actively encouraged the Japanese whalers to set up and expand these non-IWC whaling operations as part of a global strategy to ensure supplies of food and other resources.

The Japanese Government has repeatedly denied any knowledge of the outlaw whaling when questioned at IWC meetings in recent years. Such claims are preposterous, given the fact that

representatives of the Taiyo Fishery Co. have served on the IWC delegation each year. In fact, Taiyo, which is the world's largest fishing company, so dominates the Japanese fishing industry that it might be safe to say Taiyo dictates the policies of the Fisheries Ministry. Only now, when the Japanese Government has several hundred tons of illicit whale meat sitting for all to see on the docks, and with the U.S. Government pointing a finger at the outlaw whaling, has the scandal finally been admitted by Japan.

ADHERENCE TO IWC QUOTAS

A major and growing problem threatening the whale conservation program of the IWC is compliance of the member nations with the regulations and quotas established by the IWC. In the old days of the "whalers' club," any nation that didn't like a quota could file an objection and therefore be free to kill as many whales as it wanted. In 1974, the U.S. decided to plug that whale-sized loophole by threatening the Pelly Amendment against Japan and the Soviet Union for their objections to whale quotas that year. The threat of an embargo of their fishery products by the U.S. forced those nations to abide by the quotas in subsequent years.

But now we see flagrant violations of IWC quotas in recent months by the Soviet Union and Peru and an objection by Spain to its quota on fin whales for the coming whaling season. Last November, the Soviet factory ship Sovetskaya Rossiya and its fleet of catcher boats left Vladivostok bound for the Antarctic, which is the only area left open to pelagic (deep-sea) whaling under IWC regulations voted last year. Instead of heading south, however, the Soviet fleet crossed the North Pacific, killing 201 sperm whales in clear violation of the pelagic whaling ban in the North Pacific. The Soviet fleet then proceeded to further defy IWC regulations when it harpooned 906 orcas (killer whales) off the coast of Antarctica early this year. This was particularly outrageous because the scientific committee of the IWC had instructed the Soviets that any orca take should not exceed the ten-year average of twenty-four. This decimation of the little-known orca population in Antarctica by the Russians may have permanently crippled the species.

The United States should make the strongest protest about the Soviet infractions at July's IWC meeting. The Soviets should be penalized for their illegal killing with loss of quotas on other whales in 1981. We should work to get a zero quota placed on the orcas.

Peru joined the IWC last year and therefore immediately came under the IWC quotas for the whale populations along its coast: zero. This zero quota extended through 1979. However, last fall

the Peruvian government, under strong pressure from the Japanese-owned whaling station, approved reopening the whaling. Hundreds of whales were killed by the end of the year. U.S. inquiries were rebuffed with the answer that Peru did not understand the IWC rules. This is a fraud, since the U.S. had been pressuring Peru to join the IWC for years and Peru joined under no illusions. Even if Peru had not known the rules, the Japanese owners of the whaling station surely do. The owner is the giant Taiyo Fishery Company, which is not only the largest owner of the Japan Joint Whaling Company, which operates the Japanese fleet, but owns many other whaling operations around the world. Taiyo's Nakabe family has been the driving force behind Japan's whaling industry. Taiyo officials sit on the IWC delegation. Since the Peruvian whaling station is directed by radio-telephone from Taiyo headquarters in Tokyo, it strains the imagination to believe that the Peruvians did not know the rules.

The United States should demand that the illegal whale kill last fall by Peru be taken out of this year's quota. The U.S. should also hold Peru to a commitment it made last year to phase out of whaling by the end of 1981.

Last October, Spain filed an objection to the fin whale quota set by the IWC for the 1980 season. Despite strong U.S. pressure, Spain has refused to withdraw the objection. Instead, Spain says it will not exceed the quota of 143 before the July IWC meeting. At the meeting, Spain says it will produce new "evidence" to justify a higher quota.

In the meantime, we cannot verify if Spain is really complying with the quota. There are no independent observers at the two Spanish whaling stations. There have been persistent reports in recent years that the Spanish whalers harpoon every whale they find, and have taken many "protected" whales, such as blues, humpbacks and mothers and calves. Their reported take is highly questionable. We do know that the Spanish whalers have increased their kill enormously over the past few years -- to more than 400 -- in defiance of recommendations by the IWC that the kill be kept at least to the historical level of 143 annually.

It is absolutely imperative that one or two observers be sent to the Spanish whaling stations before this year's whaling season starts next month.

We have similar verification problems with Peru. The remote whaling station on the north coast has never had a full-time independent observer. Peruvian conservationists claim that the Japanese whalers regularly kill highly endangered whales, pregnant and lactating females and calves, and undersized whales.

Indeed, when a Peruvian Government observer did manage to get into the whaling station a few years ago, he found these allegations to be true.

The U.S. should insist that Peru accept an observer, perhaps from Mexico or Argentina, two prominent member nations of the IWC. Similarly, observers should be sent to Brazil and Chile, where Japanese-run whaling operations are also questionable.

South Korea has been reporting the take of dozens of Bryde's whales each year. The truth is that Bryde's whales do not occur in South Korean waters when the whaling is done. Scientists believe the South Koreans are harpooning fin whales, a protected species in the North Pacific. The U.S. should prod South Korea to halt this killing and to accept an observer. In Japan itself, there is large-scale coastal whaling in a number of towns. When an observer from the U.S. made a tour of the whaling stations last fall, he found a large number of violations of IWC regulations, including undersized and lactating whales. Japan is greatly increasing its coastal whaling this year because pelagic whaling in the North Pacific has been banned. It would therefore be imperative that observers be stationed at the whaling ports to ensure compliance with IWC regulations.

The IWC has an observer scheme for whaling nations to get observers from other member nations. Unfortunately, this compliance mechanism has been little-used. We urge you to call on the U.S. Commissioner to the IWC to press for observers at all whaling operations around the world.

SECRECY AT THE IWC

During the 1950's and 1960's, the IWC was operated as a "whalers' club." The major whaling nations -- particularly Japan, Norway and the Soviet Union -- dictated the disastrous policies that led to the collapse of almost all whale populations. These policies of over-exploitation were made in virtual secrecy behind closed doors. The press was not admitted to any of the five-day process and member nations were pledged to secrecy.

Only when the Nixon administration adopted a strong whale conservation stand did the IWC open up its decision-making process to reason and science. In 1972, the U.S. delegation to the IWC was headed by Russell Train, chairman of the President's Council on Environmental Quality. Fresh from the Stockholm Conference on the Human Environment, which called, by a vote of 53 to 0, for a ten-year moratorium on all commercial whaling, Train proposed that the IWC adopt this moratorium. He was rudely rebuffed by the Japan-Norway-Soviet Union bloc, who kept the

issue from even being brought to a vote. Instead, the "whalers' club" adopted more high quotas, ignoring the warnings of the IWC's own scientists.

This business-as-usual attitude of the IWC in 1972 led Train to call a press conference outside the meeting hall to denounce the secrecy and arrogance of the IWC. Each day of the meeting he gave a full report of the proceedings to the press. This destroyed the wall of secrecy that had surrounded the IWC meeting and laid bare the mismanagement of the whales.

In 1973, U.S. Commissioner Robert White again fought to open up the IWC to the world. He also briefed the press and called for press access to the IWC sessions. This proposal scared the old guard commissioners and it was roundly rejected year after year. However, in 1977, at the IWC meeting in Canberra, Australia, U.S. Commissioner William Aron fought through a resolution granting press access to the plenary sessions of the IWC, beginning in 1978.

The watchful eye of the press was too much for the secretive commissioners in 1978 however. So last year in London, they persuaded the chairman of the IWC, the Icelandic commissioner, to banish the press to a downstairs room equipped with loudspeakers. The press was not allowed access to the different delegations for interviews, and newsmen were unable to interpret what was going on in the upstairs meeting room from the loudspeakers that were turned on and off whenever the plenary sessions began or ended.

It was most unfortunate that the U.S. commissioner, Richard Frank, did not protest forcefully this obvious move to stifle the press. It clearly violated the spirit and the intent of the agreement fought so hard for by the U.S.

We urge this committee to demand that the IWC be opened up to full press access, just as virtually every other international organization allows.

Perhaps an even more sinister tactic of secrecy has developed at the IWC in recent years. This is the private "commissioners' meetings" where only the whaling commissioners are allowed. Not even members of delegations, let alone non-government observers or the press, are privy to these back-room sessions. Until two years ago, such meetings were infrequent and called to iron out one or two sticky differences. But as the issues became more fractious and the business-as-usual system came under increasing attack from conservation-minded governments, conservationists and the press, the commissioners began withdrawing more and more frequently behind those convenient closed doors.

This reversion to the bad old days reached such extraordinary lengths at last year's meeting that on several days the "commissioners' meetings" took up more time than the scheduled technical and plenary sessions. One day, in fact, the commissioners holed up for more than four hours straight.

Most of the difficult decisions at the IWC in 1979 were made in these secret meetings. We can only conclude that the commissioners were wheeling and dealing on whale quotas, trading for their sperm whales, minke whales, fin whales, Bryde's whales, sei whales, and even the U.S.'s bowhead whales. Deals were cut to set higher quotas than those recommended by the scientific committee of the IWC.

It was disconcerting, to say the least, to see U.S. Commissioner Richard Frank participating without objection in these secret meetings. What happened to the U.S. policy of opening up the decision-making process of the IWC to public -- and scientific -- scrutiny?

Are "open covenants, openly arrived at" not good enough for the whales?

Last month, sixty-seven national conservation and environmental groups sent a letter to President Carter asking him to personally address several conservation issues. One of the problems raised was U.S. whaling policy. The letter stated: "The U.S. has abdicated leadership in the international effort to end commercial whaling because the U.S. Commissioner to the International Whaling Commission (IWC) has given priority to obtaining a high quota for Alaska's Eskimos on the endangered bowhead whale. The U.S. must not compromise its principles by trading off hundreds and thousands of whales to the commercial whaling nations for a handful of bowhead whales. Please direct our IWC Commissioner to adhere to your commendable policy against commercial whaling and to oppose all secret meetings at the IWC."

Mr. BONKER. Thank you for your testimony, Mr. Van Note, and for the exhaustive research you have done on this issue. It has been a good source of information for our subcommittee, and I am sure it has been a source of irritation to commercial whalers.

I am going to interrupt the order of business to call upon Congressman Pete McCloskey, who has just arrived.

Pete, would you take your place at the table?

Mr. McCLOSKEY. I appreciate the courtesy, but my typed statement is on its way over. I will be happy to enjoy listening to the panel.

Mr. BONKER. Whatever you wish.

We will proceed next with Maxine McCloskey, who has come to us from California, and who is with the Whale Center in Oakland, Calif. Mrs. McCloskey?

STATEMENT OF MAXINE McCLOSKEY, EXECUTIVE DIRECTOR, WHALE CENTER, OAKLAND, CALIF.

Born in Portland, Oregon.

Formerly associated with the late U.S. Senator Richard Neuberger and former U.S. Senator Maureen Neuberger—having served on both their staffs in the Oregon office.

A.A. degree University of California; B.S. degree Portland State University; M.A.T. degree Reed College, Portland, Oregon.

Organized two wilderness conferences for the Sierra Club in 1967 and 1969, and was co-editor of one, and editor of the other book published based on those conferences.

Arranged a two-day symposium on endangered species sponsored by the AAAS in San Francisco, 1974.

Appointed to Citizen Nongame Advisory Committee to Director of California Department of Fish and Game in 1975. Served as first chairman until 1979.

Served as Secretary of the Board of Directors of Project Jonah, then as President in 1977.

Founded the Whale Center in Oakland, California end of 1977. Whale Center is a nonprofit organization specializing in whales and dolphins. The programs involved public education, research, and conservation.

Appointed adviser to U.S. Commissioner to International Whaling Commission in 1977 (Australia), 1978 (England), and 1979 (England). Also attended the special meeting held in Tokyo, Japan December, 1977 as observer for Project Jonah.

Published numerous articles on whale policy, including reports of the IWC meetings.

Presently Executive Director of the Whale Center.

Mrs. McCLOSKEY. My name is Maxine McCloskey. I am executive director of the Whale Center in Oakland, Calif.

I wish to thank the chairman and the other members of the subcommittee for inviting me to come and testify today regarding the U.S. policies for the 1980 meeting of the International Whaling Commission.

You particularly asked that I address the aboriginal bowhead whaling issue, and I will confine my remarks to that.

Four times in the last 3 years the IWC Scientific Committee, composed of the most competent whale scientists in the world, has unanimously recommended that "the only biological safe course" to manage bowhead whale is a zero quota. Because the Eskimo take concentrates heavily on the young, the scientists at the last annual meeting stated that the population is in decline and will continue to decline even in the absence of further taking.

Last year the U.S. policy on bowhead whale quotas for both 1980 and 1981 were set in April, 2½ months before the Scientific Com-

mittee met. Commissioner Frank provided for no further discussion of this issue after April and stated his unwillingness to reconsider the U.S. position, no matter what scientific research found out or what the IWC Scientific Committee recommended.

Commissioner Frank's remark at the 1979 IWC that the United States would have to file an objection if a zero quota were voted surprised both the conservationists present and the other nations. Just last year the Congress adopted the Magnuson-Packwood amendment which imposed stringent mandatory sanctions on foreign nations which object to IWC quotas. The hypocrisy of the U.S. position was obvious.

During delegation meetings last year and at other opportunities, I raised the question of the inflexibility of the United States in the face of the Scientific Committee's even more stringent warning that the bowhead population was in decline. To me, this was crucial new advice that could be ignored only at the peril of the whale's survival.

There was no change in U.S. policy. The United States even requested an increase in the quotas for 1980 and 1981 and asked for a commitment from the IWC to allow a further increase in the quotas for 1982 and future years, which could result from a management regime proposed by the Government. The IWC did not adopt that proposed regime and voted a quota for 1980 only.

In the meantime, the field research effort continues, but we must ask ourselves, how long will this research be able to go on, for we have learned there will be a two-thirds cut in the National Marine Fisheries Service funds for bowhead research in fiscal year 1981.

I have written to Commissioner Frank to ask that the research budget for National Marine Fishery Service be reprogramed in order that the crucial scientific research efforts be allowed to continue at the present level. We must get the net recruitment rate for the bowhead. It will probably take at least 3 years to get a reliable figure.

The cut in research starting next year is not reassuring that we will get this vital information.

On the question of the U.S. position on the bowhead at the next meeting, I wrote to Commissioner Frank last February, to urge him and the U.S. Government to maintain an open position on the bowhead, and not be locked into going to the IWC this year with the same position as last year. I asked him to remain flexible and to allow adjustments in policy based on recommendations made by the Scientific Committee before or during the IWC Meeting.

He replied, "I do not expect the U.S. position to be appreciably different from last year's."

A study of Eskimo nutritional and cultural needs being conducted by the Bureau of Indian Affairs should be available shortly. It has been the Whale Center's position that the need for bowhead whales to satisfy Eskimo needs is yet unproven and a number unquantified.

We wonder if the BIA study can provide the information needed to solve the question of need. This is not meant to be critical of the contractors, but only to point out that the time constraints they had to work under prevented any significant new research, or review of early drafts by outside groups.

The fault lies primarily with the BIA, which waited 6 months before letting this contract, despite repeated notice that such a study was imperative.

Alternatives to the bowhead hunt need to be seriously evaluated. For example, several months ago the Whale Center published the first draft of a proposal by our Research Director, Ronn Storro-Patterson, that the feasibility be studied of substituting the far more numerous gray whales for bowheads, to satisfy Eskimo needs.

Storro-Patterson's report suggests that such a substitution may be feasible for part or all of a documented, quantified need.

The administration's position on the bowhead whale had grave adverse impacts on the U.S. position on other issues.

Commissioner Frank rationalized his participation in the unprecedented secret Commissioners' meetings which even other U.S. administration officials were not allowed to attend. The United States abstained, or voted in favor of, seven quotas that far exceeded the conservative recommendations of the Scientific Committee.

This policy was a serious breach with the policy of supporting the Scientific Committee. Circumstantial evidence strongly suggests that these votes, inconsistent with declared U.S. positions, were necessary to buy votes from whaling nations on the bowhead whale quota.

I have here a summary that I will present orally on the circumstantial evidence, based on an appendix attached to this testimony, which gives more elaborate explanation of these breaches in U.S. policy, and I would like to ask that the appendix be introduced into the record. It has been attached to the copy of my paper.

Mr. BONKER. Your entire statement, including the appendix, will be included in the hearing record.

Mrs. McCLOSKEY. Here is a summary of problem areas of last year, in addition to the bowhead:

One: Greenland humpback whales. Scientific Committee urged zero (quota) on this highly endangered species. The United States abstained.

The North Atlantic humpback population is estimated between 850 and 1,250 animals, and is subject to heavy losses by entanglement in Canadian and New England fishing nets, as well as subsistence take in Bequia and Greenland.

Two: Sperm whales in division IX taken by Chile and Peru. This is the most endangered stock of sperm whales in the Southern Hemisphere.

The Scientific Committee recommended zero, or possibly 129 for males, but data for females were so poor that it could not make any recommendations for a female quota. The United States voted for a quota of 550 of either sex.

Three: Area VI Bryde's whales, taken by Peru and Chile.

The Scientific Committee recommended 153. In plenary session an amendment proposed 254. This amendment passed. The United States abstained. The vote was so close that if the United States had voted no, the amendment would have failed.

Four: Fin whales off Spain. The Scientific Committee recommended 143, mainly on historical catches, since there was no biological data. The United States abstained on a motion in the Technical Committee for a zero quota for this stock. Another vote for 200 was defeated, but the United States abstained. Finally, 143 was adopted but the United States again abstained.

Five: There were further problems with the Brazilian sperm whales and West Greenland minke whales.

In all of the above cases, the whaling country concerned either voted with the United States on the bowhead quota, or abstained. These and other important items will be addressed at the next meeting.

We must change the voting behavior of the United States.

We expect that unless the Congress and conservation groups act strongly to set priorities on the U.S. whaling position, the bowhead whale issue will continue to adversely impact on a wide variety of other whale conservation issues.

In particular, we expect that the United States will again feel compelled to participate in secret Commissioners' meetings to negotiate for a bowhead quota.

I have here a series of recommendations. We are proposing these recommendations on changes in U.S. procedures and policy, for three reasons: One, so that the IWC can return to a reliance on the Scientific Committee, a reliance that was a hard-won improvement for conservation by the United States during the decade of the 1970's; two, so the beleaguered whale populations can be spared; and three, so the United States can recover its leadership in whale conservation.

We make the following proposals:

One. Priorities on issues the United States pursues at the next IWC meeting should be specifically ranked in the delegation instructions. Establishment of priorities should reduce conflicts and confusion within the delegation. With input from all interested parties, the forthcoming interagency meetings should work out the ranking of priorities.

Two. The United States should support the recommendations of the Scientific Committee on quotas. Commissioner Frank should be instructed to press for the moratorium on commercial whaling with all the vigor at his command. U.S. policy should also support all the humane considerations.

Three. The United States should require a mandatory rollcall vote on all motions for a quota in excess of the lowest recommendations of the Scientific Committee.

Last year, several highly controversial quotas were adopted without objection. Such a procedure suggests bargains being struck in secret meetings by the Commissioners. The "without objection" vote masks the responsibility of individual nations for their vote on quotas.

We request that all nations be held responsible in a rollcall vote in the few, if any, cases where there is a vote on a quota in excess of the Scientific Committee's lowest recommendations.

Four. The United States should strongly press for modification of the IWC agenda so that adoption of the bowhead whale quota in both the Technical Committee and the plenary session precede consideration of other substantive issues by both these bodies.

Last year the bowhead decision was delayed until the final day. Along with the lengthy secret meetings of the commissioners, the week-long meeting was in constant turmoil.

Five. The U.S. position on any bowhead whale quotas or regimes should be open to modification up to and during the IWC meeting upon the receipt of new information or analysis of biological or Eskimo cultural data not available prior to the formal adoption of the delegation instructions.

Such modification would be governed by guidelines that should be established in the U.S. delegation instructions.

Six. U.S. policies for other subsistence hunts, including the Greenland take of humpback whales and the Canadian catch of narwhals and belugas, would be greatly strengthened by being individually described in the U.S. delegation instruction.

In conclusion, the end result of clarification of U.S. policy on procedures, policy, and priorities could be the employment of Commissioner Frank's considerable and demonstrated skills at negotiations toward achieving the moratorium on commercial whaling.

I would like to report that most of the above recommendations were included in a letter to Dr. William Aron that was prepared and signed by the groups participating in the West Coast Whale Coalition, and a copy is attached to my statement, and I would like to have that included in the record.

Thank you for the opportunity to express my views.

[Mrs. McCloskey's prepared statement follows:]

PREPARED STATEMENT OF MAXINE McCLOSKEY, EXECUTIVE DIRECTOR,
WHALE CENTER

My name is Maxine McCloskey. I am Executive Director of the Whale Center in Oakland, California. I wish to thank the chairman and the other members of the subcommittee for inviting me to come and testify today regarding the U.S. policies for the 1980 meeting of the International Whaling Commission.

You particularly asked that I address the aboriginal bowhead whaling issue, and whether the U.S. position on bowhead whaling is likely to be altered prior to the July 21-26, 1980 IWC session. You further inquired about the relationship between the U.S. position on bowhead whaling and the U.S. position on such other likely IWC agenda items as the moratorium on commercial whaling. I will confine my remarks to these questions.

The bowhead issue has not been handled well by any administration in office since the U.S. Eskimo subsistence take of bowhead whales was questioned by the IWC in 1972. At meetings held since 1972, the commission has asked the U.S. to conduct a research program on the whales and the Eskimo take. It wasn't until the IWC meeting of 1977 when the commission removed the Eskimo exemption and assigned a zero quota that the U.S. began a serious study. With

the funds available, and given only one season of good weather for field work on the North Slope, the government scientists have performed a creditable job of study on the whale population. Good weather in 1978 allowed formulation of the best estimate of the population—2,264—about twice as much as the previous estimates, but still only a fraction of what some Eskimos have claimed.

The fact is, however, that we do not know the reproductive rate, the natural mortality rate, or the net recruitment rate of the bowhead.

Four times in the last three years, the IWC Scientific Committee, composed of the most competent whale scientists in the world, has unanimously recommended that "the only biologically safe course" to manage bowhead whales is a zero quota. Because the Eskimo take concentrates heavily on the young, the scientists at the last annual meeting stated that the population is in decline and will continue to decline even in the absence of further taking.

Last year, the U.S. policy on bowhead whale quotas for both 1980 and 1981 were set in April, two and one-half months before the Scientific Committee met. Commissioner Frank provided for no further discussion of this issue after April, and stated his unwillingness to reconsider the U.S. position no matter what scientific research found out or what the IWC Scientific Committee recommended.

Commissioner Frank's remark at the 1979 IWC that the U.S. would have to file an objection if a zero quota were voted surprised both the conservationists present and the other nations. Just last year the Congress adopted the Magnuson-Pacawood Amendment which imposes stringent mandatory sanctions

on foreign nations which object to IWC quotas. The hypocrisy of the U.S. position was obvious.

During delegation meetings last year and at other opportunities I raised the question of the inflexibility of the U.S. in the face of the Scientific Committee's even more stringent warning that the bowhead population was in decline. To me, this was crucial new advice that could be ignored only at the peril of the whale's survival. There was no change in the U.S. policy. The U.S. even requested an increase in the quotas for 1980 and 1981, and asked for a commitment from the IWC to allow a further increase in the quotas for 1982 and future years which could result from a management regime proposed by the government. The IWC did not adopt that proposed regime, and voted a quota for 1980 only.

In the meantime, the field research effort continues. I have no information on the likelihood of favorable weather this spring allowing the gathering of the missing significant data. In any event, it would take three years probably before we have a dependable figure on net recruitment rate.

Can we be sure the research will continue? There will be a two-thirds cut in the NMFS funds for bowhead research for FY81. I have written to Mr. Frank to ask that the research budget for NMFS be reprogrammed in order that the crucial scientific research effort be allowed to continue at the present level. We must get the net recruitment rate for the bowhead. The cut in research is not reassuring that we will.

On the question of the U.S. position on the bowhead at the next meeting, I wrote to Commissioner Frank last February to urge him and the

U.S. government to maintain an open position on the bowhead, and not be locked into going to the IWC this year with the same position as last year. I asked him to remain flexible, and to allow adjustments in policy based on recommendations made by the Scientific Committee before or during the IWC.

He replied, "I do not expect the U.S. position to be appreciably different from last year's."

A study of Eskimo nutritional and cultural needs being conducted by the Bureau of Indian Affairs should be available shortly. It has been the Whale Center's position that the need for bowhead whales to satisfy Eskimo needs is yet unproven, and a number unquantified.

We wonder if the BIA study can provide the information needed to solve the question of need. This is not meant to be critical of the contractors, but only to point out that the time constraints they had to work under prevented any significant new research, or review of early drafts by outside groups. The fault lies primarily with the BIA which waited six months before letting this contract despite repeated notice that such a study was imperative.

Alternatives to the bowhead hunt need to be seriously evaluated. For example, several months ago, the Whale Center published the first draft of a proposal by our research director, Ronn Storro-Patterson, that the feasibility be studied of substituting the far more numerous gray whales for bowheads to satisfy Eskimo needs. Storro-Patterson's report suggests that such a substitution may be feasible for part or all of a documented, quantified need.

IMPACT ON OTHER ISSUES

The Administration's position on the bowhead whale had grave adverse impacts on the U.S. position on other issues. Commissioner Frank rationalized his participation in the unprecedented secret Commissioners' meetings which even other U.S. Administration officials were not allowed to attend. The U.S. abstained, or voted in favor of, seven quotas that far exceeded the conservative recommendations of the Scientific Committee. This policy was a serious breach with the policy of supporting the Scientific Committee. Circumstantial evidence, discussed in detail in the appendix to this testimony, strongly suggests that these votes, inconsistent with declared U.S. positions, were necessary to "buy" votes from whaling nations on the bowhead whale quota.

Here is a summary of the problem areas of last year in addition to the bowhead:

1. Greenland humpback whales. Scientific Committee urged zero on this highly endangered species. The U.S. abstained. The North Atlantic humpback population is estimated between 850 and 1,250 animals and is subject to heavy losses by entanglement in Canadian and New England fishing nets as well as subsistence take in Bequia and Greenland.

2. Sperm whales in Division IX taken by Chile and Peru. This is the most endangered stock of sperm whales in the Southern Hemisphere. The Scientific Committee recommended zero or possibly 129 for males, but data for females were so poor that it could not make any recommendation for a female quota. The U.S. voted for a quota of 550 of either sex.

3. Area VI Bryde's Whales taken by Peru and Chile. Scientific Committee recommended 153. In Plenary Session, an amendment proposed 254. This amendment passed. The U.S. abstained. The vote was so close that if the U.S. had voted "no," the amendment would have failed.

4. Fin whales off Spain. The Scientific Committee recommended 143 mainly on historical catches since there was no biological data. The U.S. abstained on a motion in Technical Committee for a zero quota for this stock. Another vote for 200 was defeated, but the U.S. abstained. Finally, 143 was adopted, but the U.S. again abstained.

5. There were further problems with Brazilian sperm whales and West Greenland minke whales.

In all the above cases, the whaling country concerned either voted with the U.S. on the bowhead quota, or abstained. These and other important items will be addressed at the next meeting. We must change the voting behaviour of the U.S.

We expect that unless the Congress and conservation groups act strongly to set priorities on the U.S. whaling position, the bowhead whale issue will continue to adversely impact on a wide variety of other whale conservation issues. In particular, we expect that the U.S. will again feel compelled to participate in secret Commissioners' meetings to negotiate for a bowhead quota.

RECOMMENDATIONS

Major changes in U.S. procedures and policy on whaling have to be made for three reasons:

- so the IWC can return to a reliance on the Scientific Committee, a reliance that was a hard-won improvement for conservation by the United States during the decade of the seventies;
- so the beleaguered whale populations can be spared;
- so the U.S. can recover its leadership in whale conservation.

I urge this subcommittee to communicate to Commissioner Frank the necessity of adopting the following procedures and policies:

1. Priorities on issues the U.S. pursues at the next IWC meeting should be specifically ranked in the delegation instructions. Establishment of priorities should reduce conflicts and confusion within the delegation. With input from all interested parties, the forthcoming interagency meetings should work out the ranking of priorities.

2. The U.S. should support the recommendations of the Scientific Committee on quotas. Commissioner Frank should be instructed to press for the moratorium on commercial whaling with all the vigour at his command. U.S. policy should also support all the humane considerations.

3. The U.S. should require a mandatory roll-call vote on all motions for a quota in excess of the lowest recommendation of the Scientific Committee. Last year several highly controversial quotas were adopted without objection. Such a procedure suggests bargains being struck in

secret meetings by the Commissioners. The "without objection" vote masks the responsibility of individual nations for their vote on quotas. We request that all nations be held responsible in a roll-call vote in the few, if any, cases where there is a vote on a quota in excess of the Scientific Committee's lowest recommendations.

4. The U.S. should strongly press for modification of the IWC agenda so that adoption of the bowhead whale quota in both the Technical Committee and the Plenary Session precede consideration of other substantive issues by both these bodies. Last year the bowhead decision was delayed until the final day. Along with the lengthy secret meetings of the Commissioners, the week-long meeting was in constant turmoil.

5. The U.S. position on any bowhead whale quotas or regimes should be open to modification up to and during the IWC meeting upon the receipt of new information or analysis of biological or Eskimo cultural data not available prior to the formal adoption of the delegation instructions. Such modification would be governed by guidelines that should be established in the U.S. delegation instructions.

6. U.S. policies for other subsistence hunts, including the Greenland take of humpback whales and the Canadian catch of narwhals and belugas would be greatly strengthened by being individually described in the U.S. delegation instructions.

In conclusion, the end result of clarification of U.S. policy on procedures, policy, and priorities could be the employment of Commissioner Frank's considerable and demonstrated skills at negotiations toward achieving the moratorium on commercial whaling.

I would like to report that most of the above recommendations were included in a letter to Dr. William Aron that was prepared and signed by the groups participating in the West Coast Whale Coalition.

Thank you for the opportunity to express my views.

A REPORT ON THE U.S. POSITIONS AT THE 1979 MEETING OF THE INTERNATIONAL WHALING COMMISSION BY JAMES E. SCARFF, WHALE CENTER, OAKLAND, CALIF.

It was the strong impression of many NGO observers and members of the U.S. delegation to the 1979 IWC meeting that U.S. Commissioner Richard Frank was trading U.S. votes on controversial quotas in exchange for favorable votes by whaling countries on a bowhead whale quota of 20 whales landed or 27 struck. To members of the delegation it appeared that Frank had unilaterally decided to place greater priority on obtaining this bowhead whale quota than on reducing commercial whaling quotas on seriously depleted populations of whales.

Because most of the negotiations transpired in closed meetings of the Commissioners, it is impossible to know exactly what deals were made. However, circumstantial evidence strongly suggests that deals were in fact made, and that these deals seriously compromised the integrity of the United States as a leader in whale conservation. For four populations of whales, the U.S. failed to support even the highest quota recommended by the IWC Scientific Committee. For three additional populations, the U.S. supported either the higher of alternate quota recommendations or compromise quotas well in excess

of the most conservative quota recommendations.

The Motivation for Dealing

Commissioner Frank has testified before this committee last year that secret meetings and negotiated quotas were necessary for the alternative was no quotas at all. Those instances when Frank voted for or abstained on excessive quotas were explained as recognition of the best deals possible, or in one case, as a mistake. However, the pattern of U.S. compromises and favorable foreign votes on the bowhead quota is striking. Why did Frank perceive such deals to be necessary?

An examination of the voting on the bowhead quota reveals Frank's dilemma. For the fourth time in three years the IWC Scientific Committee had unanimously recommended a zero quota on bowhead whales. Last year they went even further saying that the population appeared to be declining and would continue to do so for several years even if there was no catch and that any catch would exacerbate the problem. Despite repeated requests from the IWC, the United States had still not convincingly demonstrated a quantifiable cultural or nutritional need for a bowhead whale catch. In response to these facts, it was readily apparent that several nations were unwilling to grant any bowhead whale quota. The original U.S. proposal for quotas for 2 years and promises of increases after that was quickly withdrawn

in the face of widespread opposition. The vote would be on simply a quota for 1980.

Even on a 1980 quota, the U.S. position was in trouble. It would take a three-quarters majority of the voting members to pass any quota and several nations including Australia, the Netherlands, and New Zealand were opposed to any bowhead whale quota. A vote in the Technical Committee on a quota of 18 whales landed or 27 struck passed, but only by 8-4 with 9 abstentions, well short of the $3/4$ majority needed in the Plenary Session. Debate on the bowhead whale quota in Plenary Session was postponed until late Friday night to give the U.S. time to find favorable votes.

Division IX Sperm Whales

The most controversial commercial quota discussed at the IWC meeting was the sperm whale quota for Division IX in the Southern Hemisphere. This stock occurs off the coasts of Chile and Peru and is whaled by both countries. The Scientific Committee estimated that males in this population had been reduced to 34% of the initial population level and females to 50%, making the ^{latter} _A more depleted than the female populations of sperm whales in any other area of the Southern Hemisphere. The committee recommended a conservative zero quota for males (or a liberal quota of 129), and concluded that the data for females were so

poor that it could not make any recommendation for a female quota.

Chile and Peru had joined the IWC just days before the 1979 meeting and pleaded hardship at the prospect of a zero quota. Conservationists countered that both nations had whaled extensively for decades outside the IWC taking protected species such as the blue whale, and that both countries had been on notice for at least a year that the IWC considered this population to be a Protection Stock with a zero quota. Both countries had been officially informed that no special dispensations would be granted them for joining the IWC. Finally, conservationists pointed out that the whale products were sold in Japan rather than used locally, belying the claims of local hardship.

U. S. conservation groups and scientists all argued strongly for not making deals on this most endangered of the sperm whale stocks. The official U.S. position was to favor a moratorium on all sperm whaling. If that failed, the fallback position stated that "In all cases, the United States should support the most conservative and reliable recommendations of the Scientific Committee." However, when the Division IX sperm whale sperm whale quota came up for a vote, the U.S. voted in favor of a quota of 550 whales of either sex. Both Chile and Peru consistently voted in favor of U.S. bowhead whale quotas.

The Greenland Humpbacks

The second 'compromise' involved humpback whales taken by Greenland (which is represented at the IWC by Denmark). The IWC had placed this quota in the same paragraph of the regulations as the Eskimo bowhead quotas although the whaling operations are not analogous. These humpbacks are taken opportunistically by Greenland fishermen whose boats, weighing up to 50 tons, are equipped with harpoon guns in the bow. The quota on this stock has been 10 whales per year, but in 1978 the Greenlanders took 20 due to a "breakdown in communications". In 1978, the IWC had set a quota of 15 fin or humpback whales for the 1979 season requesting the whalers to take the more common fins instead of the humpbacks. But by the time of the July 1979 meeting, the whalers had already taken 10 humpbacks.

The Scientific Committee was very concerned about this stock of humpbacks. The committee noted that the population may consist of no more than 850 - 1,250 animals and that 10-20 whales were killed each year as a result of entanglements in fishing nets off Maine and eastern Canada. The combined mortality due to whaling, net entanglements, and natural causes could easily be causing a decline in this endangered stock. Whaling mortality was the only factor that IWC action could affect, and the committee strongly urged a zero quota.

The Danish Commissioner to the IWC was chairman of a special subcommittee on aboriginal whaling and in that capacity he was to later formally submit the U.S. proposal on the bowhead whale quota. His support for such a quota would be critical.

The Greenland humpback quota was anomalous because it was a permanent quota which would require a 3/4 majority to reduce or change at all. In the Technical Committee a motion to eliminate this quota passed easily, opposed by only three countries - Denmark, Iceland, and the United States. In Plenary Session, when it became clear that the zero quota would not pass, Frank abstained. Denmark strongly supported the U.S. on the bowhead whale quota.

Area VI Bryde's Whales

The Bryde's whale (Balaenoptera edeni) is a medium-sized baleen whale up to 50 feet long found in tropical and temperate waters. It is very similar in appearance to the sei whale.

A special Bryde's whale subcommittee of the Scientific Committee estimated that there were about 3,000 Bryde's whales in Area VI of the Southern Hemisphere off Peru and Chile. Peruvian scientists submitted detailed evidence strongly suggesting that the whales in this area belonged to two separate populations, one that was taken only by

Peruvian whalers, and a second that was taken by both Peruvian and Chilean whalers. If true, proper management would involve separate quotas on each stock to avoid unnecessary risks of overexploitation.

Data on the number of Bryde's whales in the area were poor but suggested that the population (if it was only one population) was at only about 50% of its pre-exploitation level and possibly would qualify for complete protection under the IWC's guidelines (the 'New Management Procedure'). The majority of the subcommittee recommended a quota of 153 based upon historic catch levels and the more conservative of the two population models used. This recommendation was seconded by the full Scientific Committee and adopted by the Technical Committee. However, when the quota was brought before the Plenary Session, an amendment was proposed to raise it to 254. This amendment passed with no votes to spare, as the United States abstained. Frank's 'no' vote would have killed the amendment.

Spanish Fin Whales

Spanish whalers take fin whales out of a population known as the 'Spain-Portugal-British Isles Stock'. This same population has been subjected to whaling by the notorious Sierra and other outlaw whaling ships, whose catches must be added to the IWC quota to realize the total kill from the population. The Scientific Committee had made a conservative recommendation of 143 whales based upon historical catches. There was virtually no biological data other than historic catches upon which

to base a quota. The U.S. position was to favor a moratorium on this catch, but when a vote came up in Technical Committee on a zero quota for this stock, the U.S. abstained. One country proposed an amendment that the quota be set at 200 whales. This amendment was defeated, but not thanks to the U.S. which again abstained. Finally, the Scientific Committee's recommendation of 143 was adopted, again with the U.S. abstaining. Coincidentally, Spain supported the U.S. on bowhead quota votes.

Brazilian Sperm Whales

The Scientific Committee had been unable to make any recommendation on a quota of sperm whales in Division I of the Southern Hemisphere, a stock taken by Brazil. It was the official U.S. position to support a moratorium on all stocks of sperm whales. If that failed, the U.S. position was to vote for a zero quota if the Scientific Committee did not have enough data to make a recommendation. However, in the Technical Committee Frank voted in favor of a quota of 30 sperm whales from this stock. Brazil abstained on all bowhead votes.

West Greenland Minke Whales

This population of whales is taken by Greenland and Iceland whalers. There is little biological data about this population and quotas are generally based on historical catches. The Scientific Committee had made two alternative quotas. Contrary to U.S. policy, Frank voted in favor of the higher of these two quotas. Iceland, which had abstained on bowhead whale votes in Technical Committee, voted in favor of U.S. proposals in the Plenary Session.



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April 18, 1980

Dr. William Aron, Director
Office of Marine Mammals and Endangered Species
NOAA
3300 Whitehaven St., N.W.
Washington, DC 20235

Dear Bill:

Whale conservationists on the West Coast appreciate your meeting with us in San Francisco on April 2. We greatly appreciate your candor and your personal commitment to conserving whales. The opportunity to discuss the complex problems with one of the principal participants in the United States government was very valuable.

We hope that this meeting with you is the first of a continuing series on the West Coast with government officials actively involved in US whale policy formation and implementation. We look forward to meeting with you again, as well as with Richard Frank and Terry Leitzell.

During our discussions it became apparent that there was consensus among the groups present in favor of the US adopting several policies for the next IWC meeting. This letter confirms our strong support for these positions.

The first three concern aboriginal taking. Could you please circulate these views to the members of the Aboriginal Subcommittee?

1. The US should strongly press for modification of the IWC agenda so that adoption of the bowhead whale quota in both the Technical Committee and the Plenary Session precede consideration of other substantive issues by both these bodies.

The US should advocate this policy to the chairman of the IWC and to other member nations at talks before and during the meeting itself. As a corollary to the above policy, the US should seek consideration of the bowhead whale quota in the Plenary Session immediately following the adoption of a recommendation by the Technical Committee. Such a parliamentary procedure was used last year in consideration of the factory ship moratorium.

The advantages of this policy are several:

- a) It represents a good faith effort by the US to resolve this issue expeditiously without causing lengthy, acrimonious debates within the IWC throughout the meeting;
- b) It allows better use of US and NGO lobbying time and effort on both the bowhead issue and other issues related to commercial quotas;
- c) It will discourage other countries from trying to trade their bowhead vote in exchange for favorable US votes on commercial quotas in excess of the Scientific Committee recommendations;
- d) It will promote a favorable working relationship between NGO representatives, conservation leaders on the US delegation and the US Commissioner.

2. The US position on any bowhead whale quotas or regimes should be open to modification up to and during the IWC meeting upon the receipt of new information or analysis of biological or Eskimo cultural data not available prior to the formal adoption of the delegation instructions. Such modification would be governed by guidelines that should be established in the US delegation instructions.

Because there is a possibility of significant new data and analysis based upon the spring biological survey by NMFS, the spring Eskimo hunt, and the forthcoming BIA cultural studies, it is more important than ever that the US adopt a policy which can respond to this new information whenever it is received. Failure to adopt such a flexible policy on an American hunt while demanding it from other countries with respect to their catches is a double standard.

The Aboriginal Subcommittee should try to develop contingency guidelines. For example, the subcommittee should have policies prepared in the event the IWC Scientific Committee reiterates its opinion that the Alaskan bowhead whale population is declining, or, alternatively, if the spring population census projects a higher total population than previously thought.

The adoption of a flexible policy would in no way be inconsistent with the first policy of placing the bowhead quota at the beginning of the agenda.

3. US policies for other subsistence hunts, including the Greenland take of humpback whales and the Canadian catch of narwhals and belugas would be greatly strengthened by being individually described in the US delegation instructions.

Last year the US delegation arrived at the IWC meeting with ambiguous instructions regarding these hunts which were then interpreted in a contradictory manner by various members of the delegation. These issues are important enough to be addressed individually.

We would like to reconfirm our support for obtaining the objective of full disclosure of all aboriginal hunts concerning human need and use of the whales taken, and that population and reproduction surveys of the stocks being hunted be conducted and reported to the IWC Scientific Committee. Further, we would like the US government to explore the possibilities of placing a US observer at the USSR take of gray whales.

In addition to the above items of direct relevance to the work of the Aboriginal Subcommittee, the groups present at the West Coast meeting expressed consensus on several other important issues which we include here and request that you forward on to the relevant subcommittee chairmen.

4. Priorities on issues the United States pursues at the next IWC meeting should be specifically ranked in the delegation instructions. Establishment of priorities should reduce conflicts and confusion within the delegation.

With input from all interested parties, the forthcoming inter-agency meetings should work out the ranking of priorities.

Last year there was considerable confusion regarding priorities among US objectives at the IWC leading to a feeling by some NGOs that the US Commissioner was operating under secret instructions or priorities. An atmosphere of suspicion should not be allowed to develop this year.

5. The US should require a mandatory roll-call vote on all motions for a quota in excess of the lowest recommendation of the Scientific Committee.

Last year several highly controversial quotas were adopted without objection. Such a procedure suggests bargains being struck in secret meetings by the Commissioners. The "without objection" vote masks the responsibility of individual nations for their vote on quotas. Such a procedure is not mandated by the pressures of time and a long agenda. Therefore, we request that all nations be held responsible in a roll-call vote in the few, if any, cases where there is a vote on a quota in excess of the Scientific Committee's lowest recommendations.

6. The US should press for either a legal interpretation of the Schedule and/or a modification of the Schedule to insure that orcas (killer whales) are clearly included in the factory ship moratorium.

It may be appropriate to request a legal opinion from the IWC's solicitors now to be ready at the next meeting. It is also necessary for the US to be sure that this item appears on the IWC agenda in the appropriate space(s).

7. The Moratorium Subcommittee's report should fully consider the possible impacts of any moratorium proposal on the issue of coastal state jurisdiction over whaling within its 200-mile EEZ notwithstanding IWC regulations.

We feel this is a very dangerous issue which could explode any year and result in a dramatic setback for whale conservation. Each of our organizations may have slightly different ideas on what moratorium proposals should be presented by the US, but we all agree that the issue of coastal state jurisdiction should be fully anticipated, considered, and countered.

This is not a complete list of our views on all the current issues. We will comment on others as the US positions are being developed. We will also forward to you our recommendations for ranking priorities on the agenda items.

Again, thank you for consideration of our views - and for meeting with us in San Francisco.

Sincerely yours,

WEST COAST WHALE COALITION

Hazel Thayer (sup)
Hazel Thayer, National President
American Cetacean Society

Belton P. Mouras (sup)
Belton P. Mouras, President
Animal Protection Institute

David Phillips (sup)
David Phillips,
Wildlife Programs Coordinator
Friends of the Earth

Virginia Handley (sup)
Virginia Handley,
San Francisco Coordinator
Fund for Animals

Valerie McQuat (sup)
Valerie McQuat, National Coordinator
IWC Moratorium Campaign
Greenpeace USA

Stan Minasian (sup)
Stan Minasian, President
Marine Mammal Fund

Michael McCloskey (sup)
Michael McCloskey, Executive Director
Sierra Club

Maxine McCloskey (sup)
Maxine McCloskey, Executive Director
Whale Center

Mr. BONKER. Thank you, Maxine.

I believe now that Congressman McCloskey is prepared to come up to the witness table.

Let me say by way of introduction, that I think most people who are interested in this subject are fully aware of Pete McCloskey's leadership. Nevertheless, it should be noted that while most Members of Congress support the resolution to put an end to commercial whaling, and the resolution received a unanimous vote last year, very few take a direct or personal interest in the issue.

Congressman McCloskey has been in the forefront, one of the real pioneers of congressional action in this area, and it was a privilege for me to be part of a two-member delegation that went to England last year to serve as a congressional observer. Congressman McCloskey's very presence had much to do with strengthening the U.S. position.

So it is a pleasure to welcome you to our subcommittee hearing, Pete, and to receive your testimony on the subject of whaling.

STATEMENT OF HON. PAUL N. McCLOSKEY, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. McCLOSKEY. Mr. Chairman, I have a statement which I would like to submit for the record at this point in full, but I would like to brief it rather than give it in full, knowing the chairman's interest.

I might say, since the international whaling nations understand our majority-minority party system, that your own presence at the IWC meetings must have had a much greater impact than my own. But I submitted a statement, the first several pages of which describe factually the key points of what happened last time.

I would like to move to the three recommendations that I make, because I think they are controversial and I think they focus the attention on issues that I deem important, after 3 years of serving as one of the advisers to the IWC.

Mr. BONKER. I have never known you to take controversial stands before, Pete.

Mr. McCLOSKEY. There are not four people in Washington I would rather sit among than the members of this panel, and I want to again establish Maxine's integrity and credibility by saying we are not related, although we have the same name.

Mr. Chairman, I have three recommendations. I suggest that as our first priority toward preserving whales the State Department might well approach some of our friends in the South Pacific, such as Fiji, Papua, New Guinea, and Tonga, with a view toward their becoming members of the IWC.

The reason for this is that while it is commendable that we are bringing whaling nations within the IWC, such as Chile, Peru, South Korea, and Spain—and I commend the State Department for their efforts in that regard—we also need to balance the votes of the whaling nations with those of nonwhaling nations if we are to preserve whales.

While Switzerland is expected to become a nonwhaling nation member of the IWC this year on its own volition, that vote will be neutralized by the withdrawal of Panama, a nation whose voice for whale

protection at the IWC has sometimes been stronger and more credible than our own.

To obtain South Pacific nations as members of IWC, we may have to significantly change our attitude and so-called juridical position on highly migratory species, that position being our claim that we have the right to invade other nations' 200-mile fishery zones for highly migratory species, such as tuna.

The time is ripe for such a change in position. Historically, we have enjoyed a friendly relationship with our neighbors in the South Pacific, but their patience with our stance on tuna jurisdiction understandably grows short.

Last year's annual meeting of the South Pacific Forum erupted into a bitter wrangle over American attitudes toward tuna jurisdiction. The Fijian Prime Minister, Sir Kamesese Mara, regarded as the region's dominant political leader, said that because the United States did not recognize the sovereignty of coastal states over highly migratory species like tuna, America was not welcome there. America's attitude, the Prime Minister said, "stuck in my throat."

This circumstance should also be considered in light of the following facts:

Many of these South Pacific nations have only recently gained their independence. Quite understandably, they are outraged that the United States will not recognize the same kind of sovereign rights claimed by the United States.

The Fiji Times newspaper put it this way: "Fiji is not about to give away its independence and become a tool to be manipulated by the big power."

In addition, and most importantly, current worldwide circumstances indicate it is time to remove all obstacles that may strain our ties with these nations. In this context, IWC membership could provide an important entry point to reaffirming our South Pacific alliances. The approach would indeed be to our mutual benefit.

Second, I believe the United States should renew its efforts toward an amendment to the IWC schedule prohibiting all whaling activities by nations which fail to supply data on those activities.

We have experienced a similar problem in regard to the tuna/porpoise problem. During congressional debate on this issue several years ago we learned that without good data from the tuna fishermen on porpoise mortality, no sound judgment could be made. Similarly, it is impossible to determine changes in whale populations without data being furnished by the whaling nations themselves.

At present, the United States is the only country that provides these data. There are unofficial indications that Greenland, which hunts the remaining 1,500 to 2,000 humpback whales, may be processing humpback meat for sale in Danish grocery stores. There are also indications that California gray whales hunted by the Russians, while not as endangered as the humpbacks or bowheads, end up as mink food for the Russian fur trade.

There would seem to be no honorable reason why each member of the IWC should not be required to provide data on its whaling needs, its take and its trade uses. Only then can we make an intelligent and comprehensive determination of how best to protect whales and regulate whaling.

The IWC did not accept the U.S. proposal last year to prohibit whaling by nations which fail to supply this data, and I believe we should strongly push the proposal again this year.

Finally, and perhaps most importantly, Mr. Chairman, your committee and my own—the Merchant Marine and Fisheries Committee, should fully reexamine the bowhead whale question.

The IWC's Scientific Committee has found that bowheads are truly an endangered species. As you know, the United States has traditionally held two positions: (1) that the recommendations of the Scientific Committee be followed; and (2) that subsistence whaling should be treated separately from commercial whaling.

In the instance of our Native Alaskans' subsistence taking of a few bowhead whales, the Scientific Committee has indicated that the bowhead whale is nearer to extinction than any other whale population except the blue whale and, therefore, no bowheads should be taken at all.

We are clearly at a disadvantage in pushing for a full moratorium on commercial whaling on the basis of enhancement of various whale stocks while we insist on exempting bowheads, a species our own scientists say is endangered.

The primary commercial whaling nation, Japan, has as long a history of reliance on whale meat as do our Eskimos, yet we ask Japan to terminate such reliance. It seems to me that, as in our position on tuna, we risk the claim of hypocrisy and arrogance—imperialism, as it were—if we demand a moratorium, on the one hand, but an exemption for native U.S. subsistence whaling on the other.

If the United States is to remain a credible leader in international organizations, Mr. Chairman, it would seem to me, above all else, we should be consistent. Either we should accept limited commercial whaling under strict endangered species controls, or we should ask for a moratorium on all whaling, specifically including our own.

We can't have it both ways. More importantly, we should not ask for it both ways. I think that this is the primary point, Mr. Chairman.

And as the committee having international organization jurisdiction, we damage our credibility by taking an inconsistent position in this regard.

If your committee should reach a conclusion on this point, Mr. Chairman, I believe it would be helpful to enact a policy resolution to this effect as guidance to our delegation and the world at the next IWC convention in July.

[Mr. McCloskey's prepared statement follows:]

PREPARED STATEMENT OF HON. PAUL N. McCLOSKEY, JR., A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman,

It has been my privilege to serve for the past three years as the Congressional Delegate to the International Whaling Commission (IWC).

Your own presence at the Commission's opening meetings, last July, Mr. Chairman, and your continuing interest in the resolution of IWC issues has played an important part in such successes as were achieved last year.

At last year's meeting, for the first time, the U.S. proposed a complete moratorium on commercial whaling as we had agreed to in principle at the 1972 Stockholm Conference on the Environment.

The IWC did not accept the complete moratorium last year, but did agree to the following:

1. An indefinite moratorium imposed on use of factory ships to harvest whales, excluding the Minke. This should effectively limit whaling to offshore coastal operations by the countries involved.
2. A whale sanctuary created in the Indian Ocean, with a ten-year moratorium imposed on taking of all whales therein.
3. All stocks of whale species are now regulated by IWC.
4. This year's total quota for commercial whaling was reduced to 15,656 from last year's total of 19,526, or by 20 percent. The

total tonnage caught will be at least 50 percent less due to the relatively small size of the Minke.

5. There was a substantial decrease in the Sperm whale quota, from 9,360 last year to 2,203 this year, a reduction of 77 percent. Last year Sperm whales made up about 50 percent of the total whale quota; this year they are only 14 percent of the total quota.

6. The 31 percent increase in the Minke whale quota, from 9,173 last year to 12,006 this year, causes Minke whales to make up 77 percent of the total whale quota, as compared with last year's 50 percent. Minke whale stocks were considered to be in healthy condition by the Scientific Committee. Currently, their population seems to be increasing and their control may help in the recovery of the Blue whale and other large species approaching extinction since they eat the same food.

7. The IWC budget was more than doubled, to \$300,000.

8. The IWC supported a U.S. resolution that all member nations cease importing whale products from non-member nations and cease export of vessels and equipment to non-member nations. The chief offender and purchaser of whale meat, Japan, adopted a new law prohibiting such purchases effective July 5, 1979, obviously as a gesture to placate IWC disapproval.

Despite this progress, much work remains to be done. First, because of the one nation-one vote procedures at the IWC, it is imperative that the United States do whatever it can to bring more non-whaling nations into the Commission. Although it is, of course, of great benefit to bring in whaling nations such as Chile, Peru, South Korea, and Spain . . . and the State and Commerce Departments deserve great credit for their work in this regard . . . we also need to balance these whaling nations' votes with those of

new nations who would urge the protection of whales.

Switzerland is expected to become a non-whaling nation member of the IWC this year at her own volition. Unfortunately, however, Switzerland's vote will be neutralized by the withdrawal of Panama, a nation whose voice for whale protection at the IWC has sometimes been stronger than our own.

Recommendations:

Mr. Chairman, I suggest that, as our first priority towards preserving whales, the State Department might well approach some of our friends in the South Pacific, such as Fiji, Papua, New Guinea and Tonga. To do this, of course, we would have to significantly change our attitude and so-called "juridical" position on highly migratory species, that position being our claim that we have the right to invade other nations' 200-mile fishery zones for highly migratory species such as tuna. The time is ripe for such a change in position. Historically, we have enjoyed a friendly relationship with our neighbors in the South Pacific, but their patience with our stance on tuna jurisdiction understandably grows short. Last year's annual meeting of the South Pacific Forum erupted into a bitter wrangle over American attitudes towards tuna jurisdiction. The Fijian Prime Minister, Sir Kamesese Mara, regarded as the region's dominant political leader, said that because the U.S. did not recognize the sovereignty of coastal states over highly migratory species like tuna, America was not welcome there. America's attitude, the Prime Minister said, "stuck in my throat."

This circumstance should also be considered in light of the following facts: Many of these South Pacific nations have only recently gained their independence. Quite understandably they are

outraged that the United States will not recognize the same kind of sovereign rights claimed by the United States. The Fiji Times newspaper put it this way: "Fiji is not about to give away its independence and become a tool to be manipulated by the big power."

In addition, and most importantly, current worldwide circumstances indicate it is time to remove all obstacles that may strain our ties with these nations. In this context, IWC membership could provide an important entry point to reaffirming our South Pacific alliances. The approach would indeed be to our mutual benefit.

Second, I believe the U.S. should renew its efforts towards an amendment to the IWC schedule, prohibiting all whaling activities by nations which fail to supply data on those activities. We have experienced a similar problem in regard to the tuna/porpoise problem. During Congressional debate on this issue several years ago, we learned that, without good data from the tuna fishermen on porpoise mortality, no sound judgments could be made. Similarly, it is impossible to determine changes in whale populations without data being furnished by the whaling nations themselves.

At present, the United States is the only country that provides this data. There are unofficial indications that Greenland, which hunts the remaining 1,500 to 2,000 Humpback whales, may be processing Humpback meat for sale in Danish grocery stores. There are also indications that California Grey whales hunted by the Russians, while not as endangered as the Humpbacks or Bowheads, end up as mink food for the Russian fur trade.

There would seem to be no honorable reason why each member of the IWC should not be required to provide data -- on its whaling needs, its take, and its trade uses. Only then can we make an

intelligent and comprehensive determination of how best to protect whales and regulate whaling. The IWC did not accept the U.S. proposal last year to prohibit whaling by nations which fail to supply this data, and I believe we should strongly push the proposal again this year.

Finally, and perhaps most importantly, Mr. Chairman, your Committee and my own, the Merchant Marine and Fisheries Committee, should fully re-examine the Bowhead whale question. The IWC's Scientific Committee has found that Bowheads are truly an endangered species. As you know, the U.S. has traditionally held two positions: (1) that the recommendations of the Scientific Committee be followed; and (2) that subsistence whaling should be treated separately from commercial whaling. In the instance of our native Alaskans' subsistence taking of a few Bowhead whales, the Scientific Committee has indicated that the Bowhead whale is nearer to extinction than any other whale population, and therefore that no Bowheads should be taken at all.

We are clearly at a disadvantage in pushing for a full moratorium on commercial whaling on the basis of enhancement of various whale stocks while we insist on exempting Bowheads, a species our own scientists say is endangered.

The primary commercial whaling nation, Japan, has as long a history of reliance on whale meat as do our Eskimos, yet we ask Japan to terminate such reliance. It seems to me that, as in our position on tuna, we risk the claim of hypocrisy and arrogance . . .

imperialism as it were . . . if we demand a moratorium on the one hand but an exemption for native U.S. subsistence whaling on the other. If the U.S. is to remain a credible leader in international organizations, Mr. Chairman, it would seem to me, above all else, we should be consistent. Either we should accept limited commercial whaling under strict endangered species controls, or we should ask for a moratorium on all whaling, specifically including our own. We can't have it both ways. More importantly, we should not ask for it both ways.

If your Committee reaches a conclusion on this point, Mr. Chairman, I believe it would be helpful to enact a policy resolution to this effect as guidance to our delegation and the world at the next IWC convention in July.

In closing, let me say that preparations for the IWC meeting are on track and well underway, and that we can expect a well-planned meeting once again this year.

Thank you.

Mr. BONKER. Thank you, Pete, for the brevity of your statement, as well as the substance. Typically, you touched upon several of the more sensitive issues, and I will pose just a few questions, so you can be on your way, and we will pick up with the other witnesses.

On page 3 of your statement you refer to the problem of highly migratory species as it relates to Fiji as totally consistent with your efforts on the Merchant Marine and Fisheries Committee regarding this subject.

What we have, in effect, provided to our tuna industry is a license to fish off the coast of other countries for what we term a migratory species.

The United States is not getting away with this in all countries, because recently Canada apprehended our tuna fishing vessels for harvesting off their coast. It is just not good policy for the United States to try to protect endangered species off the coast of the United States, and then give our fishermen license to lay claim to these species in coastal waters of other nations.

So I think Fiji has a case and it is an issue we should address as co-members of the other committee.

While I am on that subject, what do you think of the United States issuing permits to Japan to fish for our tuna—within the zone—off our own coast, for our other species of fish? Should we limit or deny the permits if they continue to engage in commercial whaling that is in violation of IWC policy?

Mr. Van Note shared with the subcommittee earlier, information and evidence that Japan now admits that they are involved in some outlaw whaling, again that circumvents IWC quotas.

Mr. McCLOSKEY. I have no problem at all with denying permits based on IWC violations. That seems to me a reasonable position to take, to put teeth into the IWC; recognizing, of course, that membership in the IWC is voluntary.

It really rests on the sanction of world opinion more than any other legal sanction. So while this is a delicate area as to how strongly we enforce regulations which really are only applicable to nations who volunteer to abide by them, it seems to me that the Japanese in particular eschew losing face by taking one public position and then another privately; and that the Japanese in particular would understand being denied a fishing permit.

Mr. BONKER. As a ranking member of the Merchant Marine and Fisheries Committee, and recognizing the inherent biases on that committee, I just wonder what chances we would have in addressing either this problem of migratory species that has so upset Fiji authorities, or moving to limit Japanese fishing off our coast, as long as they remain in violation of IWC quotas.

I say this, Pete, because I just returned from a trip to the Orient, and was in Japan at the same time Mr. Frank was negotiating with the Japanese to buy more of our fish products, which could reduce our imports and increase exports of fish products to that country.

It makes sense if they fish off our coast and sell us back the fished product. If we were to retaliate in oneway, they might retaliate in another, and not agree to buy more of our fish products; and I am not sure that would be a productive step.

Mr. McCLOSKEY. I can't give an off-the-cuff answer to that question, but I think both of us might visit with the Japanese Prime Minister, who, I understand, is meeting with us tomorrow or the next day. I think the Japanese fishery problems are almost as important as any issue they have.

The fact that historically their protein comes from the ocean while ours essentially comes from grazing lands, of which we have a great deal, gives me some sympathy with their concern over the fisheries and the priorities they put on fishery products. That is the primary reason, it seems to me, in dealing with the primary whaling nation, that our position must be consistent on the bowheads.

I don't feel very comfortable in taking the position that we do which is clearly inconsistent. I think it hurts our credibility. But I have no opinion on the precise question you asked me. I have not examined it.

Mr. BONKER. One final question, Pete. Mr. Van Note touched upon another issue, which relates to allowing the press to cover all deliberations of the IWC session, and made the point that the chairman of the U.S. delegation has engaged in discussions that have been secret and denying our Government organization representatives and others to have some insight as to what takes place in those sessions, which obviously results in policy changes.

Do you think that our participation in these sessions ought to be fully open to press and public scrutiny?

Mr. McCLOSKEY. Ideally they should be, but I have the feeling that other nations have a much different view of press openness than does ours. In the Law of the Sea negotiations, for example, clearly the ultimate provisions that are adopted might not be possible without secret negotiations with these representatives of foreign states.

Great Britain, for example, has a far different idea as to how negotiations should be conducted than we do; and, while we have moved toward openness in government here, much of the advance in U.S. procedures and morals and integrity has occurred because of open meetings and our desire that the minimum of meetings be conducted in private.

I think that here the executive branch of the Government, responsible for conducting delicate negotiations, at least must have the right to determine that in some cases secret negotiations are required to advance U.S. policy.

I say that reluctantly because I think the nongovernmental organizations make a greater contribution in many cases to furthering the protection of whales than does our Government, but it does not seem to me that we can take away from Government negotiators the discretion to proceed with secret negotiations when the advancement of our policy seems to require it and when the delegates of other nations would be offended were we to require open meetings.

Mr. BONKER. One last, short question. You have been a faithful attendee at IWC sessions. Do you expect to attend this year's session?

Mr. McCLOSKEY. I hope to attend, although that week of July 21 to 25 is going to be one of our crucial weeks here in Congress. We go out for 3 weeks in early July for the Republican convention and 2 weeks immediately following for the Democratic convention. I intend to be there but I am not entirely sure that my presence or anybody's presence at the IWC session from the Congress will be as important

as some vote we may be asked to take that week, so I may have to come back. But I will be there for part of the session and all of it if I can.

Mr. BONKER. Hopefully we will be there together and we will be joined by Congressman Les AuCoin, who was an earlier sponsor of a whaling moratorium resolution.

Mr. McCLOSKEY. I would feel more comfortable if both of you were there to balance my Republican view.

Mr. BONKER. I would say truly this is a bipartisan issue. Thank you, Pete McCloskey, for joining the panel this morning and for your contribution.

The subcommittee is pleased to welcome another prominent activist in this area, someone who has probably done more to educate me and my staff on whaling and who was responsible for involving this subcommittee in the issue. Although the Subcommittee on International Organizations has always had jurisdiction in this area, it had not been previously addressed.

At this time I would like to call on Christine Stevens, secretary of the Society for Animal Protective Legislation. It is a pleasure to have you appear before the subcommittee once again.

STATEMENT OF CHRISTINE STEVENS, SECRETARY, SOCIETY FOR ANIMAL PROTECTIVE LEGISLATION

Mrs. STEVENS. Thank you very much, Mr. Chairman, and I want to express our great appreciation of your interest, which is going to make such a great difference. It already has made a great difference and I think it will this time at IWC. There should be much greater progress than ever before.

I would like to mention at the very beginning the extremely interesting symposium that is going on at the Freer Gallery auditorium right at this very moment and continuing on through tomorrow.

The very fine scientific papers that have indicated the potential for great intelligence on the part of whales, I think, throw a new light on the importance of the moratorium and, during these last 2 days, the discussion will center on the ethics of killing cetaceans based on what is known about their behavior and intelligence.

Of course, there is a great deal more that is not known than is known, but I just wanted to mention that as it relates to the whole context of these hearings.

Mr. BONKER. I am pleased you mentioned that; in fact, my staff scheduled these hearings to coincide with the symposium, hopefully expecting a larger turnout for the hearing, but apparently we are in conflict.

Mrs. STEVENS. I want to talk about the use of the cold harpoon and I will try to highlight this testimony and submit it for the record because of the lateness of the hour.

Norwegian whalers in pursuit of the small minke whales are major users of cold harpoons—implements that have been used for centuries. But Norway is now a modern, progressive nation, rich in oil and blessed with solid, well-thought-out anticruelty laws. Unfortunately, the whales have not benefited from these laws.

I have brought with me but I have not had translated the Norwegian anticruelty laws that relate to fishing, under which whales come. In other words, whales are denied the protection that livestock receive in Norway—that is, the requirement of a humane death.

This is a picture of a cold harpoon. Actually this one comes from a museum in Norway but the current ones are similar, as was described in *Dagbladet*, a major Norwegian newspaper, which quoted a Norwegian veterinary inspector, Dr. Sorheim, as follows:

A whale's sensitivity is presumably like that of a human. Both are mammals and the nervous system of the whale is also highly developed * * *. Suppose such a method of killing were used on land—in a Norwegian slaughterhouse? We would move in and forbid it immediately.

Then he says:

Suppose someone took a cold harpoon on land for elk hunting. What would the reaction be if someone shot an animal in the flank with this grapplelike object and let it bleed to death while it was struggling to get free? There would certainly be a cry of outrage.

You may also be interested in seeing this, a new book by Magnar Norderhaug. You may have met him at the meeting. He not only wrote the book; he drew these beautiful pictures of whales. I have had this chapter on whales translated and would like to submit it. I don't know whether you want to put the whole thing in the record or not but I thought you would like to have it for the use of the subcommittee, so please handle it as you would like to do.¹

Mr. BONKER. The subcommittee will accept the documents which are relevant and I think would contribute to the committee's record. We will have to use discretion on what we include in the committee report, trying to be mindful of the austerity mood of the Congress.

Mrs. STEVENS. I agree. I am not suggesting that it all be put in print.

Mr. Norderhaug makes reference to Norwegian anticruelty laws and points out that, to ensure the quality of the meat, harpoons without explosives are used, which means, of course, a slower way of killing. And now that we know that whales are very intelligent animals with nervous systems as advanced as those of humans, this is, to put it mildly, serious. One can claim on clear grounds that the Norwegian small whaling is not in accordance with Norwegian laws for the prevention of cruelty to animals.

Minke whales are one of the kinds of whales that appear to wish to fraternize with human beings. They often approach whaling ships of their own accord. There is even a name for such behavior, "ship-seeking behavior," so common is it. Gray whales, too, sometimes exhibit this sociable tendency, and I have attached to the testimony an article about a friendly gray whale.

This is the first one noticed but, since that time, there have been many other reports of gray whales coming and wanting to be patted and stroked. This may well be a reaction to the fact that they are not being hunted, with a very small exception of—168, I believe it is, that are allowed to be killed, in theory, for the Soviet native peoples.

But, as Craig Van Note just mentioned, there is strong indication that the fact is they are being used commercially to feed sables and

¹ The information has been retained in subcommittee files.

minke by fish firms in the Soviet Union and not for native peoples. If that can ever be established properly, it should be absolutely prohibited.

It is extremely distressing to consider the slow, painful death inflicted on these trusting, friendly creatures—I am now returning to the minke whales—as the big iron spears are sunk into their bodies. There is no possibility of killing them instantly, as a smaller animal may be killed, with a single, well-placed bullet. Cold harpoons have no exposure charge.

Until a humane method of killing whales is developed, whale killing should stop on grounds of cruelty alone regardless of the status of any population or species of whale. Many, many methods have been thought of and used. A large bibliography was assembled by a Canadian scientist when the International Whaling Commission finally agreed to consider humane killing, but not one of the methods was humane as defined in the Federal Humane Slaughter Act and similar laws in most if not all of the nations belonging to the IWC—that is, that the animal be rendered unconscious instantly or that it be anesthetized.

Grenade-tipped explosive harpoons cause terrible, long drawn-out pain to whales if they strike the back and penetrate the intestines, as so often happens. It is possible, however, if an explosive harpoon strikes a whale in the brain or heart, to kill it instantly. Not so with the cold harpoon. It is necessarily an instrument of torture.

There were some statements submitted at the symposium by Project Jonah of Australia from former whalers telling of the horrors and slow death of whales in using the explosive harpoon, and that, too, I might submit just for use by the committee but not ask that it be included.

The International Whaling Commission should prohibit the use of cold harpoons to take any whale. It should vote on a binding resolution which would end their use when the Commission meets in Brighton in July.

Mr. Chairman, I hope this subcommittee will urge such action. It would be consonant with the laws of our country. Surely whales, with their highly developed social organization, their large brains and their friendly dispositions, should be spared suffering to the same degree that we require in slaughterhouses for domestic livestock. Thank you, Mr. Chairman.

[Mrs. Stevens' prepared statement and attachment follow:]

PREPARED STATEMENT OF CHRISTINE STEVENS, SECRETARY, SOCIETY FOR ANIMAL PROTECTIVE LEGISLATION

THE NEED TO ABOLISH USE OF THE COLD HARPOON IN THE KILLING OF MINKE WHALES AND OTHER CETACEANS

On behalf of the Society for Animal Protective Legislation I wish to thank you for the invitation to testify on the cold harpoon still used in whaling.

Norwegian whalers in pursuit of the small minke whales are major users of cold harpoons—implements that have been used for centuries. But Norway is now a modern, progressive nation, rich in oil and blessed with solid, well thought out anti-cruelty laws. Unfortunately, the whales have not benefited from these laws.

This is being increasingly questioned in Norway, but, to date, the powerful fisheries interests together with the Fisheries Ministry have resisted a move into the twentieth century.

A picture of an antique harpoon appeared as an illustration for a report in *Dagbladet*, December 11, 1978, headlined "Whaling with Harpoon Barbaric. Would be Forbidden if used in Slaughter House." It looks barbaric, and it is barbaric, developed by genuine old fashioned barbarians. But now the time has come for these harpoons to return to museums where Norwegian children of the future can contemplate the activities of their iron age forebears, but not take part in the horrors of a minke whale hunt. Here is what Norwegian veterinary inspector Atle Ørbek Sørheim had to say about it in *Dagbladet*:

"A whale's sensitivity is presumably like that of a human. Both are mammals and the nervous system of the whale is also highly developed * * * Suppose such a method of killing were used on land—in a Norwegian slaughterhouse? We would move in and forbid it immediately. The main rule in our animal protection regulations is that the animals should not suffer needlessly. More specific regulations are in force regarding the domestic animals we raise and slaughter, and for reindeer, as well. We have no regulations for whaling * * * suppose someone took a cold harpoon (a one-half meter long iron shaft with barbs) on land for elk-hunting. What would the reaction be if someone shot an animal in the flank with this grapple-like object and let it bleed to death while it was struggling to get free? There would certainly be a cry of outrage. The picture is dramatic, but not unrealistic. We shall take this problem up at the Veterinary Directorate and see what can be done with that killing method."

This book by a leading Norwegian naturalist, author, artist, photographer, and government servant in the Department of the Environment, Magnar Norderhaug, strikes a blow for whales, other animals and the environment. I would like to submit for use by the Subcommittee a literal translation of the chapter on whales from this book and would especially draw your attention to its reference to the Norwegian anti-cruelty laws. Mr. Norderhaug writes, "Another condition to bear in mind concerns the way the Norwegian small whaling is practiced. To ensure the quality of the meat, harpoons without explosives is used. This means a slower way of killing, some maybe can take up to half an hour. Now that we know that the whales are very intelligent animals with a nervous system just as advanced as the humans', this is, to put it mildly, serious. One can claim on clear grounds that the Norwegian small whaling is not in accordance with Norwegian laws for the prevention of cruelty to animals."

Magnar Norderhaug was Deputy Commissioner for Norway to last year's International Whaling Commission meeting. As I reported last year to this distinguished Subcommittee, Norway's Commissioner received instructions from his government for the first time in twenty years—and the instructions were all to the good. However, Norway still continued to protect the minke whalers rather than the minke whales. Last year the minke whale quota was raised by the IWC when quotas for all other species were lowered.

These small whales appear to wish to fraternize with human beings and often approach whaling ships of their own accord. There is even a name for such behavior—"ship-seeking behavior"—so common is it. Gray whales, too, sometimes exhibit this sociable tendency, and the whale watching trips enjoyed by tourists off the coast of California when the gray whales migrate are delighted when a young whale approaches and allows itself to be petted by many eager hands.

You may be interested in this report which appeared in *The Toronto Star* a few years ago. Since that time, many similar reports have been made of friendly whales coming to play with whale watchers.

It is extremely distressing to consider the slow painful death inflicted on these trusting friendly creatures as the big iron spears are sunk into their bodies. There is no possibility of killing them instantly as a smaller animal may be killed with a single well-placed bullet. Cold harpoons have no explosive charge.

Until a humane method of killing whales is developed, whale killing should stop on grounds of cruelty alone, regardless of the status of any population or species of whale.

Many, many methods have been thought of and used. A large bibliography was assembled by a Canadian scientist when the International Whaling Commission finally agreed to consider humane killing, but not one of the methods was humane as defined in the Federal Humane Slaughter Act and similar laws in most, if not all, of the nations belonging to the IWC, that is, that the animal be rendered unconscious instantly or that it be anesthetized.

Grenade-tipped explosive harpoons cause terrible, long drawn out pain to whales if they strike the back and penetrate the intestines as so often happens.

It is possible, however, if an explosive harpoon strikes a whale in the brain or heart to kill it instantly. Not so with the cold harpoon. It is necessarily an instrument of torture.

The International Whaling Commission should prohibit the use of cold harpoons to take any whale. It should vote on a binding resolution which would end their use when the Commission meets in Brighton in July. Mr. Chairman, I hope this Subcommittee will urge such action. It would be consonant with the law of our country. Surely whales with their highly developed social organization, their large brains, and their friendly dispositions should be spared suffering to the same degree that we require in slaughterhouses for domestic livestock.

A WHALE OF A FRIEND¹

(By George Bryant)

AN OCEAN GIANT AND MAN PLAY TOGETHER IN A HISTORIC HAPPENING

SAN IGNACIO LAGOON, MEXICO.—The first friendly encounter between whale and human ever recorded took place this week. A young, 30-foot, seven-ton gray whale dubbed Nacho made history by seeking out the company of man, using a rubber dinghy as a plaything and allowing himself to be petted and scratched.

Never before in the saga of ocean research, naturalists believe, has a wild whale deliberately come seeking human companionship and whale experts are baffled by his behavior.

HE'LL GROW TO 45 FEET

The young whale—who will grow to a length of 45 to 50 feet and an estimated weight of 30 to 35 tons—appeared beside our whale-watching ship, Salado 85, late Monday afternoon and stayed with us for the next 24 hours.

The encounter took place in this lagoon on the west coast of Mexico's Baja California Peninsula where thousands of gray whales spend the winter after swimming 5,000 miles from their summer range in the Arctic.

The Salado, berthed in San Diego, brings people down here on six-day whale viewing expeditions but no one aboard had ever seen anything like this.

Not only did Nacho long for company, he was so persistent at one point that the ship had to move to allow passengers to go off in the rubber dinghies to watch other whales.

Estimated to be 2 years old and to weigh nearly as much as two full-grown elephants, he played like a boisterous youngster, rolling and splashing and diving, nudging and butting the raft and obviously enjoying the human attention.

At frequent intervals he would suspend himself in a vertical position and slide his giant head from the water to see what his audience was doing and to be scratched and petted.

At no time did he make any aggressive move. In fact, his every action was surprisingly gentle, moving his gigantic body only inches at a time when being handled by humans.

He appeared beside the ship in the afternoon while the three dinghies were away from the ship and played about the hull for an hour, once seizing the anchor rope in his mouth and starting to tow it away.

Then the dinghies returned and he went off to meet them.

He followed the rubber craft back to the ship and then, apparently enchanted by the texture of the rafts, began nuzzling and playing around one that had been trailed from the stern.

BOUNCED IT ON HIS NOSE

He pushed it and rubbed it, bounced it on his nose, lifted it on his back, dove beneath it and generally acted like a mammoth pup with a new toy.

Periodically he would slide his great head from the sea to allow a jet of water from the stern of the Salado to play on his face or let the ship's 33 passengers stroke his nose and scratch his cheeks.

The evening performance went on until 9 p.m. when the dinghies were taken out of the water in the hope everyone could get some sleep. And it worked. After making a couple of circuits of the ship and diving beneath it to make sure his toy was gone, he disappeared.

¹ Reprinted by permission from the Toronto Star, Feb. 28, 1976.

But he couldn't have gone far, because at 5:55 a.m. he was back looking for his rubber playmate and his new friends.

Back into the water went the dinghy and for another three hours he repeated his act. Even the presence of another large boat, which had been radioed to come and watch the unique show, didn't disturb him for more than the few minutes it took him to swim over and investigate it.

At one point the skipper of the *Salado*, John Koehler, went into the raft to repair a line broken by the playful toss of the whale and Nacho (the Spanish diminutive for the name of the lagoon) slid the forward part of his head into the air beside the craft—towering above both it and John—in an obvious attempt to see what had changed the weight of his plaything.

This projection of the head vertically above the water by whales is known as spy hopping and there has been argument about its purpose.

Some cetologists (whale experts) maintain it is done to assist digestion while others say that it is done to bring the eyes, which are well back on the head, above the water.

Well, there was no doubt about what Nacho was doing. He was taking a look into the dinghy. And having satisfied his curiosity, he began to play again with the craft and John, lifting both in the air and obviously enjoying the whole thing.

But with all his weight and power he never once turned the raft over.

At 9 a.m. the engines were started momentarily and Nacho swam away, giving the captain a chance to move the ship farther down the lagoon so that he could put some whale watchers out in the skiffs without having them visited by seven tons of affection.

It worked for the morning but on the afternoon trip he suddenly appeared again, sliding under his favorite dinghy and lifting it an inch or so.

The crewman in charge of the rubber boat, Mary Stein, headed back to the *Salado* with Nacho in tow. Once there he broke off to play around the big ship and she took the opportunity to speed away.

But that wasn't the end of this unique encounter between man and whale. Later than afternoon he was spotted playing with another young whale and, without even getting close, Mary sped away, happy in the knowledge he had found a companion.

However, as the dinghy roared off through the choppy sea he appeared alongside, gliding smoothly at their speed. For minutes he held the course, as if in farewell, then disappeared.

Naturalists Fay Wolfson and Richard Phillips aboard the *Salado* and other experts aboard other craft, say there is no record of any free whale ever acting in this manner.

Normally, gray whales are not aggressive unless you get between a mother and her calf, but they are shy—with reason—and certainly don't seek human company.

Why Nacho did is a mystery. But he gave the scientists aboard an unparalleled opportunity to observe a gray whale at close quarters in his natural environment—something no one has ever been able to do before.

And he gave the grateful passengers aboard the *Salado* the thrill of a lifetime.

SEVEN-TON PLAYMATE WANTS ONLY MAN'S FRIENDSHIP¹

(By George Bryant)

SAN IGNACIO LAGOON, Mexico.—To sit in a frail rubber dinghy and pat the barnacle-encrusted head of a seven-ton untamed young whale is an experience comprising equal parts of sheer terror and wild delight.

There's the 6-foot gash of the mouth and, as he slides beneath the waves and rolls, there's the 10-foot spread of his belly and now, poised on high, blocking the sky, the 8-foot width of his tail flukes, powerful enough to drive a steam engine through a brick wall.

You are a passenger on a whale-watching cruise in a lagoon on the west coast of Mexico's Baja California Peninsula where thousands of gray whales are spending the winter.

¹ Reprinted by permission from the *Toronto Star*, Feb. 28, 1976.

And one of them—nicknamed Nacho by the passengers and crew of the Salado—has chosen a sunny day early this week to do what no other free and untamed whale is known to have done before: Seek out and thoroughly enjoy the companionship of human beings.

Right there beside you disappearing in the cloudy depths is size enough and strength enough to squash you like a fly—and he has no controls and no training.

Nobody has apparently ever been this close to a wild, free and uninjured young whale before and he's acting as no whale ever acted before. Everything he does is unpredictable.

And still you trust him. All he has exhibited is friendship and a desire for affection. And he moves the massive muscles of his body like a ballet star. You have the feeling he could part your hair with his tail flukes and you'd never feel a touch on your scalp.

As you sit there he rolls over again like a playful pup and then slides down again into the clouded waters, slowly, gently, delicately, and you again marvel at the grace and absolute control of this friendly giant.

SHEER SIZE IS ASTOUNDING

And you marvel, too, at the sheer size of this youngster. Thirty feet doesn't sound much when you say it. But when you see it beside you—five times the width of your large raft, more than a third the length of the big ship—it seems incredible. Standing on his tail this playful youngster would tower three storeys and dominate the landscape.

But he is a child, full of energy, ready for adventure, and most intrigued by you and your artifacts. And you wonder why. How does he differ from his fellows who, decimated by whalers, only tolerate your presence? Why is he the first whale known to actively seek out the friendship of man?

PLAYS WITH ANCHOR LINE

Earlier you had stood on the foredeck of the ship and watched him seize the three-inch anchor line in his mouth and play with it as a dog would play with a rope.

Some dog, some rope.

When it began to run out nobody, but nobody, tried to hold it. But when it appeared he might take it all and then the ship, they decided to put on the winch. That, too, might have failed if he had wanted to force the issue. But fortunately he didn't. Instead he gave a few tugs, which swung the ship's bow like a weather-vane, then let go and came back to play under the craft.

Later that night he spent hours romping about with the rubber dinghy, receiving admiration and petting and obviously loving every minute of it.

When he rolled, his huge eye would inspect the gallery lining the rail like an actor seeking applause. And then he'd flip his flukes or roll under the dinghy and come up for another look.

You had the feeling he knew exactly what he was doing.

The big question concerns the future. There are still three trips to the lagoon to be made by the Salado this year and more coming up next year. And some other ships do visit the whale watching grounds here. Will he continue to come calling? And, since whales can communicate and learn from others, will he bring his pals?

Could this be the start of a very companionable relationship between man and whale? Or will he forget us on his long trip to the Arctic this spring? Or, worse, meet the wrong people and die because he trusted man.

But whatever happens for good or ill, no one who was on this trip will ever forget Nacho—the first whale to make a friend of man.

There are no answers. You can only wonder—and feel a tremendous sense of gratitude that you were here when it happened.

And then he nuzzles the raft again and you reach down to scratch his nose, too intrigued and awed by the experience to be frightened, too caught up in one of life's great moments to care.

His skin is soft and smooth, like wet suede, even where white circles indicate barnacles have once had hold; and you can feel an irresistible thrust as he moves slowly under your hand with a power nothing can stay. Certainly nothing you're capable of doing.

Then he slides beneath the waves for the last time and is gone and the great adventure is over. But not forgotten. Not by you or anyone of the 32 other passengers or seven crewmen aboard the Salado 85.

Mr. BONKER. Thank you, Christine. I am anxious to ask a few questions but we will move to our last witness, who is Catherine Smith, Alaska coordinator for Friends of the Earth. Do you have a prepared statement?

**STATEMENT OF CATHERINE SMITH, ALASKA COORDINATOR,
FRIENDS OF THE EARTH**

Ms. SMITH. Mr. Chairman, we appreciate the opportunity to speak with you today on the subject of the IWC. Friends of the Earth is a national and international conservation organization with 25,000 members in this country and 23 affiliate organizations in Europe, Asia, and South America.

Since its inception in 1969, FOE has been an active supporter of the protection of marine mammals and their habitat. We have always had representation at the annual IWC meetings.

In our statement today we want to focus on the controversy surrounding the bowhead whale. FOE, as you know, has been actively working on the bowhead issue on two fronts. First and most importantly, we have sought protection for the habitat of the bowhead whale in the Beaufort Sea. In 1978 FOE nominated the Beaufort Sea as a marine sanctuary to insure that adequate attention was given to this species and its habitat. No action has been taken by the Government on this proposal.

Prior to the recent Beaufort lease sale, FOE urged the Department of the Interior to reconsider selling these tracts because of the potential effects of oil and gas on the bowhead. Recently Eskimo and conservation groups joined together in legal action against the U.S. Government to stop the oil and gas lease sales in the Beaufort Sea.

We cannot overemphasize that the concern for the Eskimo hunt of the bowhead should not overshadow these other dangerous threats to the whale. Over the long run, oil exploration and development will be a far greater hazard to the survival of the bowhead. Given all of the unknowns surrounding the bowhead, a conservative approach to oil and gas development in the North is the only advisable course of action.

The second controversy surrounding the bowhead whale is that surrounding the hunt by North Slope Inupiat. This issue is an extremely difficult one. We urge that people keep in mind that the problem is not just the survival of the whale species but the survival also of the Inupiat people.

We are convinced through our work in Alaska—and we have two full-time representatives in Alaska—that the survival of the bowhead whale cannot be separated from the issue of the survival of the Eskimo people, whose lives have so been closely connected to the bowhead for thousands of years.

We urge this committee and others concerned with the survival of the bowheads to recognize the extreme complexity of the problem and to work toward a solution that will save not only the whales but also the native culture of the Inupiat.

Advocates of a complete moratorium on the Eskimo hunt of the bowhead whale often fail to make one essential point regarding the hunt. Clearly the bowhead hunt is a cultural and subsistence issue, not a com-

mercial one. Virtually all of the meat from each whale is used within the whaling captain's village, particularly during traditional ceremonies. The bulk of nutrition for many families is provided by the hunt, nutrition that cannot be replaced at local grocery stores when shelves are empty much of the year in some villages.

The crux of the issue, however, is whether the bowhead whale is so endangered that the hunt should cease. We maintain that the amount of knowledge available today is insufficient to determine whether this severely depleted population is declining, rebounding, or static. This is a very important gap in our knowledge, for a people's basic way of life depends upon our learning the answer.

You have heard earlier today that the IWC has for 3 years recommended a zero quota for the whale; but this, as far as the U.S. members of the scientific delegation is concerned, is based on a very severe lack of information.

In 1977 the best estimate of the bowhead population was approximately 600 to 2,000 whales. The spring hunt that year saw 26 whales killed and 82 whales struck and lost. It was in that year that the IWC adopted a zero quota in July and revised it to 12 and 18 in December.

Following the 1977 meetings, the United States began an expanded research program. The best estimate, based on the 1978 count, was nearly doubled, to 2,264. The extremely low calf counts are continuing cause for alarm, for if they accurately reflect gross recruitment, it suggests that the population is declining.

However, scientists and Eskimos agree that the difficulty and inaccuracy in counting calves in oftentimes treacherous conditions may have led to arbitrarily low estimates. It is generally agreed that more experienced counters, better population modeling, and several years of good weather during the counts would greatly expand the data base of essential biological information with respect to the bowhead.

To echo Mrs. McCloskey's statement, although we understand that there are budgetary constraints, we urge Congress to fully fund this essential research on the bowhead whale. Without the data that this research can provide, we will continually face management decisions based on inadequate information.

On a parallel track, we believe that serious, long-term study is needed on the cultural aspects of the Eskimo society if we are to fully comprehend the importance of the bowhead to this people.

It is clear that successful self-regulation of the hunt by the Alaska Eskimo Whaling Commission requires open communication and cooperation between Government agencies and the Eskimo people. In fact, we believe that without meaningful involvement of the Eskimo in solving the problems associated with the hunt, a solution will simply not emerge.

Proposals such as the Whale Center's gray whale substitution provide a means for greater communication and involvement of the local people. We would like to see this proposal given serious consideration and await comments from the individual villages.

The Eskimos do have a serious responsibility to demonstrate that the hunt is being conducted efficiently and with an absolute minimum of wastage. Since quotas were imposed in 1977, the Eskimos have abided by them.

We urge that the AEWEC continue to take the quotas seriously as well as continue to work toward reduction in the struck-and-lost figure.

There is little question that the Eskimo culture is under great stress. Since the sixties, the Eskimo culture has felt a number of rapid and dislocating changes which have caused it great stress. The discovery of oil on the North Slope and the passage of the Alaska Native Claims Act of 1971 have brought the 20th century racing into arctic Alaska.

Snowmobilies have replaced dogs as the means of transportation, easing the requirements for seal meat to feed the dogs. The Eskimos use outboard motors in the fall to ease the chore of hauling the dead whale to shore. The ready cash from oil jobs means that investment in whaling equipment is available to more. Alcoholism and violent crime rates are also indicative of cultural stress.

Amid these dislocations and rapid changes, the cultural importance of the bowhead to the Eskimo seems even greater. The cultural traditions, ritual celebrations surrounding the hunt, and social significance of the hunt itself are integral parts of the Eskimo way of life.

FOE believes that, as a nation and as members of the IWC, we should not close the door on this people and their livelihood. We support a quota which meets the lowest level needed by the villages while we determine the level of harvest the population of bowhead can tolerate.

Thank you for this opportunity to testify, and I would like to add for the record that the National Audubon Society and the Sierra Club will be submitting statements to you on this issue.¹

[Ms. Smith's prepared statement follows:]

¹ At the time of printing, no statements had been received by the subcommittee for inclusion in the record.

PREPARED STATEMENT OF CATHERINE SMITH, ALASKA COORDINATOR,
FRIENDS OF THE EARTH

Friends of the Earth is a national and international conservation organization with 25,000 members in this country and 23 affiliate organizations in Europe, Asia and South America. Since its inception in 1969, FOE has been an active supporter of the protection of marine mammals and their habitat. We have always had representation at the annual IWC meetings. We continue to work here and abroad to end commercial whaling, to encourage habitat protection and to urge environmentally sound actions by the IWC. FOE/UK continues to press for a ban on all whale products and a variety of FOE groups are also seeking protection of Antarctica and the southern ocean ecosystems that are vitally important for a great number of whale species.

Because Friends of the Earth has a full time Alaskan representative living in Alaska as well as an Alaska Coordinator in Washington D.C., we are particularly sensitive to Alaskan environmental concerns. Our experience working in Alaska with Alaskans has led FOE to believe that if the great wildlife populations and their habitats in Alaska are to be saved, it must be done in full cooperation with native peoples who have historically had a close, interwoven relationship with the land and many of the important wildlife species of Alaska.

Friends of the Earth has been actively working on the bowhead whale issue on two fronts. First, and most importantly, we have sought protection for the habitat of the bowhead whale in the Beaufort Sea. In 1978 FOE nominated the Beaufort Sea as a marine sanctuary to ensure that adequate attention was given to this species and its habitat. No action has been taken by the government on this proposal.

Prior to the recent Beaufort lease sale, FOE urged the Department of Interior to reconsider selling these tracts because of the potential effects

of oil and gas on the bowhead. Recently, Eskimos and conservation groups joined together in legal action against the United States government to stop the oil and gas lease sales in the Beaufort Sea. The concern for the Eskimo hunt of the bowhead should not overshadow these other dangerous threats to the whale. Over the long run; oil exploration and development will be a far greater hazard to the survival of the bowhead. According to the Beaufort Sea Lease Sale Environmental Impact Statement, it is possible that a serious blowout could wipe out half of the bowhead whale population. Because of the lack of information on the bowhead, a U.S. District Judge stayed the sale in the Beaufort pending further analysis of the impacts on the whale.

Given this apparent lack of interest in the protection of bowhead habitat, it is understandable that Eskimos resent a government in Washington telling them how to run their hunt when that same government is jeopardizing the very species upon which Eskimo culture and nutrition depends. Drilling in ice conditions is a frontier technology and both the Bureau of Land Management and the oil industry have conceded that there is no known technology for cleaning up an oil spill under the ice and that the technology of drilling under the extreme ice conditions of the Beaufort Sea is in its infancy.

The controversy that has surrounded the bowhead whale hunt by the North Slope Inupiat is a difficult one. What is most important to keep in mind is that the problem involves not just the survival of one species but two. We are convinced through our work in Alaska that the survival of the bowhead whale cannot be separated from the issue of the survival of the Eskimo people whose lives have been so closely connected to the bowhead for thousands of years. We urge this committee and others concerned with the survival of the bowheads to recognize the extreme complexity of the problem and to work toward a solution that will save not only the whales but also the native culture of the Inupiat.

Advocates of a complete moratorium on the Eskimo hunt of the bowhead whale often fail to make one essential point regarding the hunt. Clearly, the bowhead hunt is a cultural and subsistence issue -- not a commercial one. Virtually all of the meat from each whale is used within the whaling captain's village, particularly during traditional ceremonies. The bulk of nutrition for many families is provided by the hunt -- nutrition that cannot be replaced at local grocery stores when shelves are empty much of the year in some villages.

The crux of the issue, however, is whether the bowhead whale is so endangered that the hunt should cease. We maintain that the amount of knowledge available today is insufficient to determine whether this severely depleted population is declining, rebounding or static. This is a very important gap in our knowledge, for a people's basic way of life depends upon our learning the answer.

Eskimos have said repeatedly that if the whale is indeed in danger of extinction that they will stop the hunt. They maintain that the data on population levels and recruitment are inconclusive and cannot be used to justify the banning of the hunt.

Since 1972, the IWC Scientific Committee has been concerned about the lack of any firm data about the bowhead whale. It began asking the United States for information and research into the size and recruitment rate of the population. The U.S. did provide new data on the yearly hunts, but little new information was forthcoming on the whole population. In 1976, exasperation with the U.S. led the full IWC to express its concerns; it adopted a resolution urging the U.S. to "as early as possible take all feasible steps to limit the expansion of the fishery and to reduce the loss rate of struck whales."

The United States' response was inadequate. As FOE stated in testimony in 1977, "no adequate attempt to involve the native peoples in the design of

needed conservation programs was made." No new data were produced. The primary reasons cited for this were limited funds, and the reluctance to exacerbate an already tense situation caused by both native concern over the pipeline and the regulation of the hunting of migratory birds and caribou.

In 1977 the best estimate of the bowhead population was approximately 600 to 2000 whales. The spring hunt that year saw 26 whales killed and 82 whales struck and lost. It was in this year that the IWC adopted a zero quota in July and revised it to 12 and 18 in December. Following the 1977 meetings, the U.S. began an expanded research program. The best estimate, based on the 1978 count was nearly doubled to 2264. The extremely low calf counts are continuing cause for alarm for if they accurately reflect gross recruitment it suggests that the population is declining. However, scientists and Eskimos agree that the difficulty and inaccuracy in counting calves in oftentimes treacherous conditions may have led to arbitrarily low estimates. More experienced counters, better population modeling and several years of good weather during the counts would greatly expand the data base of essential biological information with respect to the bowhead.

Although we understand there are budgetary constraints, we urge Congress to fully fund this essential research on the bowhead whale. Without the data that this research can provide, we will continually face management decisions based on inadequate information. On a parallel track, we believe that serious, long-term study is needed on the cultural aspects of the Eskimo society if we are to fully comprehend the importance of the bowhead to this people.

We would like you to consider the implications of a zero quota of bowhead whales based on the cultural information that is available. In 1977 the Final Environmental Impact Statement to determine whether the U.S. should file an objection to the IWC zero quota stated:

"None of the Federal Agencies have been able to identify or recommend mitigating measures, such as alternative food sources which satisfy the nutritional requirements and dietary patterns of the Eskimos. Nor have they identified welfare measures in

addition to existing sources which are minimally disruptive of Eskimo culture and motivation, which would be necessary to mitigate the loss of nutritional and cultural contributions of whale meat and blubber ... one of the most important adverse impacts to the Eskimo should whaling end was thought to be the deterioration of mental health. A variety of causal factors were mentioned. Some of these are the loss of : potential leadership developed through role modeling; self-image and self-esteem; a non-profit industry which is self-sustaining; social status in the community; arts and crafts as a cottage industry; rituals important to the Eskimo culture.

Eskimos repeatedly stated that they should be allowed to control their own destiny with regard to the bowhead whales as they have for thousands of years. However, an Eskimo spokesman stated that if it can be shown that the bowhead was in danger of extinction, then the Eskimo will be the first to control their own activities. Witnesses pointed out that sharing of the whale and all subsistence food is the Eskimo way of life. The bowhead hunt, and associated activities, is their heritage."

It is clear that successful self-regulation of the hunt by the Alaska Eskimo Whaling Commission requires open communication and cooperation between government agencies and the Eskimo people. In fact, we believe that without meaningful involvement of the Eskimo in solving the problems associated with the hunt, a solution will simply not emerge. Proposals such as the Whale Center's Grey Whale Substitution provide a means for greater communication and involvement of the local people. We would like to see this proposal given serious consideration and await comments from the individual villages.

The Eskimos do have a serious responsibility to demonstrate that the hunt is being conducted efficiently and with an absolute minimum of wastage. Since quotas were imposed in 1977, the Eskimos have abided by them. We believe that the AEWC should continue to take the quotas seriously as well as continue to work towards reduction in the struck and loss figure.

* * * *

There is little question that the Eskimo culture is under great stress. Since the sixties, the Eskimo culture has felt a number of rapid and dislocating

changes which have caused it great stress. The discovery of oil on the North Slope and the passage of the Alaska Native Claims Act of 1971 have brought the 20th century racing into arctic Alaska. Snowmobiles have replaced dogs as the means of transportation, easing the requirements for seal meat to feed the dogs. The Eskimos use outboard motors in the fall to ease the chore of hauling the dead whale to shore. The ready cash from oil jobs means that investment in whaling equipment is available to more. Alcoholism and violent crime rates are also indicative of cultural stress.

Amidst these dislocations and rapid changes, the cultural importance of the bowhead to the Eskimo seems even greater. The cultural traditions, ritual celebrations surrounding the hunt, and social significance of the hunt itself are integral parts of the Eskimo way of life. FOE believes that as a nation and as members of the IWC, we should not close the door on this people and their livelihood. We support a quota which meets the lowest level needed by the villages while we determine the level of harvest the population of bowhead can tolerate.

At the seventh annual meeting of FOE International, all FOE groups in attendance resolved that:

"Friends of the Earth International recognizes and supports traditional aboriginal subsistence lifestyles, and their dependence on the survival of many species. We support and reaffirm their right to pursue and protect their own cultural identity. The preservation of endangered cultures is as important to the diversity and richness of life and to the health of the environment as is the preservation of endangered species. Preserving both must take precedence over commercial interests.

We urge all member (and non-member) nations of the IWC to take appropriate actions to conserve the oceans' living resources with regard to the threats posed by rapid oil and gas exploitation, ocean mining, catch of krill, and other commercial threats.

Recognizing the special relation of native subsistence cultures to the species with which they share their environment, we believe they have a special responsibility to protect and preserve those species. Such preservation is not only to their own benefit, but to that of humankind and the natural environment."

Mr. BONKER. Thank you, Ms. Smith.

In a few moments we will conclude the hearing rather than recess for the vote which is now occurring. I am going to act for a moment like a member of the press and ignore all of the areas where there is consensus among environmental groups and focus exclusively on the one point where there is contention.

That concerns, of course, the bowhead whale. We have on one side those who advocate a zero quota—the Society for Animal Protective Legislation, the Whale Center, Monitor, Inc.—all of whom are represented here, plus a long list of similar organizations, all of whom support termination of subsistence whaling.

Mr. VAN NOTE. I don't think you should assume, from my testimony, that we are supporting zero quota on bowhead whales.

Mr. BONKER. I am pleased to be corrected, and I will put you in a position of neutrality.

Mr. VAN NOTE. Virtually all of our groups have supported a limited subsistence take on bowhead whales based upon the Eskimos true needs and the acceptability to the scientific community.

Mr. BONKER. I appreciate the correction. Those who are involved in the limited take, as represented by Ms. Smith, including the Sierra Club, Friends of the Earth, the Audubon Society—that is a fairly interesting vision and I don't think it is a point of great contention; but for those of us who are looking for some course of action, I would like to reflect what is a consensus among these various groups.

That is why I think it would be a good idea if at some point the environmental groups would come together and reach a consensus. If we go into the upcoming IWC session with a split in our own NGO position, it compromises our strategy.

It is a legitimate issue, and one that perhaps these committees ought to explore because there are questions about a data base and the lack of information which is crucial if we are going to take any action. Also, the fact that the scientific committee may be recommending one thing and the technical committee something else needs to be addressed at some point.

Pete McCloskey talked about the consistency. I am not sure that his statement was entirely accurate in that the United States, I think, does recognize some limited subsistence catching in Russia and Greenland. I may be corrected on that point.

We really have to bring all of these things together in such a way that we can have a more coherent position, and, as chairman of the subcommittee that may be acting on future resolutions concerning subsistence whaling, I would like to have a position.

Also, I don't think that the IWC has ever clearly addressed the question of subsistence whaling and, until it makes that distinction, it is going to be difficult for it to have a more coherent position.

I have maybe 4 or 5 minutes, so I would like to call upon the witnesses who are here to address this particular issue in just the few minutes that are remaining. We will start with Mr. Van Note. This may be the only question I can ask before we conclude the hearing.

Mr. VAN NOTE. I would like to point out that one major stumbling block we have in developing a coherent U.S. policy on the bowhead whale is the fact that the Department of the Interior has failed, and

failed miserably for, I would say, almost 4 years, to do a study on the true subsistence needs of the Alaskan Eskimos.

One reason the IWC threw the book at the United States in 1977 is that the United States had done no studies whatsoever to find out what the subsistence needs were or to control the hunts. The IWC specifically directed the United States to do these studies, and year after year the United States has failed to do it.

In fact, right now we are a month overdue on another study and we see no study coming out of Interior. They have been directed repeatedly to do this and they have not.

Mr. BONKER. I am glad you raised the point, and I will have my committee staff vigorously pursue this to get from the administration the results of that study.

Maxine, do you have anything to offer?

Mrs. MCCLOSKEY. I would like to clarify the position of the Whale Center. We are not opposed to a very limited subsistence hunt, but with two provisos. One is that the need has to be actually documented and quantified. We have to know how many whales it takes to satisfy cultural need. For example, does one symbolic whale serve to keep the culture going while the whales are recovering? How many are actually needed for nutrition? We don't have that information. The Government reports, as far as I know, have not revealed either of these points.

The second point is that we don't have enough information on the biology of whales and their net reproductive rate, their real survival rate.

The only thing we can do now is to accept the information that the Scientific Committee has given to us. These are unanimous recommendations by the Scientific Committee that include U.S. scientists.

If, as Ms. Smith has just said, the information is not clear, how can we, then, support quotas that are a detriment to the whales on the basis of inadequate information?

So this is really what our position is. If the scientists say the best they can tell us is that the population is in decline, to really be responsible, we have to act on that. If the whales are allowed to go into extinction, the Eskimos are not going to have any heritage or any nutrition from a resource that doesn't exist. The bowhead is the one species most clearly threatened with extinction from hunting and from OCS activity in its habitat.

Mr. BONKER. Thank you, Maxine. I do appreciate the clarification. Christine, you have a minute and a half.

Mrs. STEVENS. Actually I would like first to say that this has a great bearing on the issue that I think is very important and that I have to disagree respectfully with Congressman McCloskey about, and that is the issue of secrecy, because unfortunately the bowhead whale issue has resulted in the desire of the United States to go into secret meetings again when we had always been the ones to push for more open ones.

Now, to clarify, those who are absolutely for a zero quota on bowhead whales are the members of the Scientific Committee of the International Whaling Commission.

Several countries, the leader of which is Australia, are now strongly that way, and the National Wildlife Federation is absolutely in-

sistent on a zero quota. There may be other conservation organizations who have insisted on a zero quota but I don't know of them.

Our position has always been to cut it down to the lowest possible degree and especially to cut down on the struck and lost. Last year Barrow showed that it needed reform. That is where most of the whales are struck and lost. That is where most of the whales are killed. Yet in Barrow you can go out and buy anything in the grocery store.

The smallest canoe communities far away from Barrow were ever so much more responsible. They had smaller quotas. They may have had just one whale in most cases. They killed that whale and got it in and did not have any struck and lost.

I think what has to be done is to reform Barrow, where things are not in good shape, and I won't go into all of the political ramifications of that but that is my opinion. From the point of view of saving the bowhead whale, we as a Government ought to get up to Barrow and say: "OK, pull yourselves together or else you are out and all of the small communities can have their whales and you can't have any."

Mr. BONKER. Thank you, Christine.

That will have to be the last word. I have only a few minutes in which to make this vote. I want to thank all of the witnesses for their excellent testimony. We will be working closely with each of you as we approach the IWC meeting.

If you want to submit additional information as it relates to bowhead whales or anything else we have touched upon today, you are invited to do so.¹

I am sorry we had to rush this, and I do appreciate your patience and your testimony.

The subcommittee will stand adjourned.

[Whereupon, at 12:45 p.m. the subcommittee adjourned to reconvene at the call of the Chair.]

¹ See additional statement submitted by Catherine Smith, appendix 5.

PREPARATIONS FOR THE 32D INTERNATIONAL WHALING COMMISSION MEETING

TUESDAY, MAY 20, 1980

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS,
Washington, D.C.

The subcommittee met at 2:20 p.m., in room H-236, the Capitol, Hon. Don Bonker (chairman of the subcommittee) presiding.

Mr. BONKER. The Subcommittee on International Organizations will come to order.

This is the second in a two-part series of hearings on preparations for the 32d International Whaling Commission meeting to be convened in Brighton, England, from July 21 through July 26, 1980. Last year this subcommittee held a similar set of hearings on the 31st session of the IWC, and successfully gained unanimous House passage of a resolution urging the IWC to adopt a moratorium on commercial whaling.

My distinguished colleague from the State of California, Pete McCloskey, and representatives of several nongovernmental organizations appeared at the first hearing on April 30 to share with the subcommittee their views on key issues facing the upcoming IWC meeting and on the status of preparations for the IWC. These witnesses stressed that the most important matters to U.S. interests in the IWC are: The U.S. position on aboriginal/subsistence whaling; IWC adoption of a moratorium on all commercial whaling; the need to improve monitoring of adherence to IWC whaling quotas and moratoria; and press access to IWC plenary sessions.

Today the subcommittee is pleased to welcome distinguished witnesses from the administration. These witnesses, who are Richard Frank, Administrator of NOAA and the U.S. Commissioner to the IWC; Leslie Brown, Senior Deputy Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs; and James Joseph, Under Secretary of the Interior, represent those Government agencies responsible for the formulation of U.S. policy toward the IWC and whaling in general. They have been asked to comment on the status of U.S. preparations for the upcoming IWC session.

The subcommittee is also pleased to welcome a distinguished colleague from the State of Alaska. Congressman Don Young, who is interested in bowhead whales, aboriginal whaling, and has very compelling thoughts on the subject. We are always pleased to welcome you, Don, and look forward to hearing your statement.

STATEMENT OF HON. DON YOUNG, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF ALASKA

Mr. YOUNG. Mr. Chairman, I will submit my written testimony and I also would like to read it at this time.

I appreciate the opportunity to say a few words about the International Whaling Commission. My major concern is with the suggestions that have been made that a zero quota be supported for subsistence harvest of bowhead whales in Alaska.

As you know, the Inupiat people of Alaska have hunted bowheads for many years. The whales are completely utilized and the harvest has always been only enough to feed the 5,000 people who live in arctic coastal Alaska. In the late 19th century, however, a commercial harvest of bowheads was begun. This resulted in a severe depletion of bowhead stocks. Commercial whaling was halted early in this century. Meanwhile, the subsistence harvest has continued as always. The only change was the introduction of newer, more efficient harvesting techniques. In spite of this, Eskimo whalers continued to take only an average of 24 whales per year during the highest 10 year period.

In recent years, the International Whaling Commission has become concerned with the status of bowhead stocks. In addition, the adoption of new management plans by the IWC mandated that whale stocks which were at low levels be protected from commercial harvest. In an unprecedented move, the IWC in 1977 declared that there should be a zero quota on both commercial and subsistence harvest of bowheads. Although the zero quota was later rejected in favor of a limited subsistence quota, the Inupiat people are still restricted to fewer whales than they feel are necessary.

In response to the IWC actions, whalers in Alaska formed the Alaska Eskimo Whaling Commission. The AEWC adopted rules for its members on methods of harvest and set up an allocation system so that all villages could share in the limited bowhead harvest. Many of these regulations have been formally adopted by the Federal Government. The AEWC has also tried to work with Government agencies, the IWC, and interest groups to find some middle ground so that the bowhead can be protected without endangering the Inupiat people. Eskimo whalers have complied with the IWC quotas, even though they recognize that the quotas are too small. Unfortunately, most of the cooperation has been one sided, as is demonstrated by testimony before this subcommittee calling for a zero quota.

Some people have suggested that the U.S. position calling for a moratorium on commercial whaling is inconsistent with the position supporting a subsistence quota, since commercial whalers depend on their trade as a way of life. If this is so, then perhaps we should not have a moratorium and instead should manage whales as we do any other wildlife species. However, I do think that there is a difference. Whaling is an integral part of the culture of the Inupiat people and is a major source of food. There are no grocery stores where the residents of Point Hope can buy hamburgers if there is no whale meat available. Flying in welfare shipments of beans and peanut butter—I would like to see the members of this committee eat whale meat and blubber—will not satisfy the nutritional or cultural needs of Kaktovik.

Before this subcommittee, or any individual Congressman, supports a zero quota, I suggest that they spend some time in an arctic coastal village. This subcommittee, which so strongly supports "human rights," seems to forget that Alaskan Natives are human, too. If the Inupiat people can no longer harvest whales, if the Aleut people can no longer harvest seals, what will be left of these cultures that existed long before your ancestors and mine, Mr. Chairman, ever came to this country?

Mr. Chairman, let me stress again as a food source, there has been much publicity about how much the corporations have received in Alaska and how wealthy we are becoming off the oil. You can be the wealthiest man in the world and it has little value to you if you don't have bread and butter. I urge the committee to strongly recognize the Eskimo Whaling Commission to do what is endeavored, to do what is correct, and not listen to the International Whaling Commission in this instance. The bowhead might not be as healthy as it has been in the past but it is healthier than most people think. Also, allow those people so directly affected to take their proper quota for their food value and cultural heritage.

Mr. Chairman, thank you. I will answer any questions you have.

Mr. BONKER. Thank you, Mr. Young, for your forceful testimony. I can appreciate your concerns about the important segment of your constituency that is directly impacted by decisions made by the IWC.

The present status of our Government's position is that we do distinguish between commercial and subsistence whaling. The Congress has passed a resolution that calls for a moratorium on commercial whaling. So we do not really directly address the question of subsistence, but I don't think we can avoid it much longer. I think in the upcoming session there will have to be more discussion and refinement of IWC policies as they relate to subsistence whaling.

Mr. YOUNG. Mr. Chairman, if I may, it was recommended, I believe, that there would be a zero quota allowed for subsistence.

Mr. BONKER. Recommended by the IWC Scientific Committee and, perhaps, the Technical Committee. We will bear that out later.

Mr. YOUNG. The reason for my testimony here today is to show that there is another side to this issue than just the scientific side of the issue. It is not only my constituency that is in question here, it is a question of justice and right. We have potential, as you well know. We just had a case this week in Miami of very severe riots, frustration, and unrest. When you take away what is historically and culturally theirs when they are trying to do the job adequately without scientific knowledge, then there is unrest and we are trying to avoid that.

Mr. BONKER. I understand. I wish I could calm down Mount St. Helens in my district.

Mr. YOUNG. I had the privilege of flying into your State the day it blew up and it was quite an awesome sight. When man believes he is so strong and world knowledgeable, just witnessing something like that, it is an awesome sight. I have a great deal of condolence for your State right now. If there are strong winds they will have to worry about it on this side of the aisle.

Mr. BONKER. Fortunately for Alaska, it is not blowing in the other direction.

Mr. YOUNG. We had a bigger one but unfortunately there was nobody around to watch it.

Mr. BONKER. Back to Government policy, The administration witnesses have yet to testify but I rather imagine they will keep with the position of protecting the bowhead whale. Our resolution did not address the bowhead issue, it just called for an end to commercial whaling. I think it is unlikely that this committee will take up a resolution which will include a total moratorium, including subsistence or bowhead whales, because I don't think it could make it through the Congress. I don't think that Ted Stevens would allow it to go through the Senate, so that it is a matter of anticipating opposition. It is much better to run a resolution through that has unanimous support than it is to engage in a lot of controversy which will weaken our position.

The Scientific Committee is primarily interested in the state of the species, and they make an honest effort to examine that species, make recommendations to the Technical Committee, and then to the plenary session. I imagine you take issue with the Scientific Committee's recommendations about the findings of the bowhead species population.

Mr. YOUNG. The first recommendation, they took the population quota at 1,200, I believe. That was 3 years ago, 1,200. That was by the Scientific Committee. The actual count the next year was 2,500 or more. Now there is the difference.

Mr. BONKER. Actual count by whose count?

Mr. YOUNG. Both sides. They originally estimated 1,200 and then they made the great announcement of 2,500 for the short count that year and you don't see every whale. You know the species and I have been a manager. If the species is in direct danger because of the subsistence taking, I would be the first one because that hurts the Inupiat Nation itself. Then I take them to task and question without scientific fact. There is a lot of difference between 1,200 and 2,500 actually spotted whales. I said all along if they work with the Eskimo Whaling Commission and not take the adversary role and if there are more whales spotted or a depletion of whales than the year before through subsistence—if there is a decline, where did it go? If there is an increase in those whales, what is happening? Twelve hundred supposedly and then 2,500. They counted all the whales they could see. I think they can support that 2,500 whale-a-year count. That is the maximum ever counted.

Mr. BONKER. Back to the Scientific Committee. They originally estimated the population at 1,200, and you say the low count is 2,500? Did the Scientific Committee then acknowledge that?

Mr. YOUNG. To my knowledge they have not.

Mr. BONKER. The point is if the Scientific Committee is to have any credibility, then the basis upon which they submit information for the Technical Committee in the plenary session can be eroded and everything else is faulty in their policy if their findings are inaccurate. But if you are going to challenge the Scientific Committee's findings, then you have to have an alternative source of information that is equally credible. So you are saying what organization is challenging the count?

Mr. YOUNG. The Eskimo Whaling Commission itself and the Whaling Commission that one year.

Mr. BONKER. What are the current estimates of bowhead?

Mr. YOUNG. I have no idea. They say there may not be enough for the harvest. Again the question maybe. Maybe is not a scientific finding; maybe is an assumption. Those are the areas that bother me. Again I want to stress—

Mr. BONKER. I think you have to do that, Don, with almost any population of whales. I don't think anybody can say absolutely there are so many whales in existence. I think you have to make some estimates.

Mr. YOUNG. But it affects a group of people that are not using them commercially and you say maybe there is not. On what basis do they put it on the zero quota?

Mr. BONKER. Again, if the Scientific Committee lacks credibility and acceptance, then all the other decisionmaking bodies run into problems.

Mr. YOUNG. I make a suggestion, Mr. Chairman. I would be the first one to appropriate additional moneys, and I am sure Mr. Stevens would also, to have a public study of what has actually happened. There is a great emotionalism in whales, as you well know. We have a case now in Glacier Bay down in southeast Alaska. We have some nice individual that decided the tour boats were disturbing the whales and that was supposed to be scientific knowledge based on no scientific background. They didn't take into consideration the food chain, the lack of shrimp, et cetera. Now we have a ruling that the tour boats cannot go in there with no backing. It is emotionalism purely, and I object to that.

Mr. BONKER. I understand that both Interior and Commerce have done studies, and we will hear from their witnesses later so that you won't have too many studies. Aside from the Scientific Committee's recommendations and the data base that exists, you just feel that there is a question of rights, suggesting that aboriginals who have traditionally engaged in this practice ought to be allowed to continue that practice.

Mr. YOUNG. As long as the species is in safe boundaries.

Mr. BONKER. So we are going back to the scientific boundaries.

Mr. YOUNG. Eat beans and peanut butter if the whales are in danger. It does affect them; they are the first ones.

Mr. BONKER. To your knowledge, do the aboriginals use the whale products for anything other than subsistence? Is there any commercial value?

Mr. YOUNG. The only one would be the tourism and it is a byproduct; it has little value now because the basket weaving has just about gone out of it. The meat is used. It does not have this cholesterol in it; it is better for you. The Japanese have done well with it. They use the oil, they use the meat, they use the blubber, they use the skin, a lot of the intestines, most of the organs. Everyone in this room can imagine the size of a whale heart; it is a whale of a big heart, I tell you. The bones used to be used but they are no longer used because the standards under Federal subsidy do not meet whalebone structure.

Mr. BONKER. At Barrow?

Mr. YOUNG. Yes. Point Hope and Katouik Subic, and of course Barrow is the biggest. Now that is the bowhead whale. There are other areas that harvest whale.

Mr. BONKER. What is the aboriginal population involved?

Mr. YOUNG. About 5,000, 6,000. That fluctuates to some degree.

Mr. BONKER. Like the whale population.

Mr. YOUNG. We have to be very careful about this. Based on the Eskimo Whaling Commission and the Scientific Commission also, as the population can increase, we cannot say the quota should be increased if there is a detriment to the species. The same way with the seals. People don't want to kill seals any more.

Mr. BONKER. We would be glad to have Bridget Bardot appear before the subcommittee.

Mr. YOUNG. We would love to have her on the Pribilof Islands; there is not a tree to hide behind.

Mr. BONKER. Isn't that primarily Eskimo?

Mr. YOUNG. Yes. These people are more aware. There is a great deal of public relations that should be taking place. I think there has been an attempt to work together, but at any Federal agency or any scientific agency it comes to the conclusion that they know best and some poor person in Point Barrow does not know best. I think you get more from someone who lives there than supposedly on somebody's scientific background. I think there is a great deal of room for cooperation and it has not always taken care of it.

Anyway, the Commission itself was set up as an answer to the International Commission to regulate themselves. They are the first ones that say they went through a period of time with no regulations. They were the first ones to say we must do something. The first ones set up a real sound working commission. I believe right now there are only certain captains that are allowed to hunt. Not every Tom, Dick, and Harry can go out and hunt whales. They are working to try to achieve this. The thing they are trying to avoid is saying you no longer can kill a whale.

Mr. Chairman, I alluded to this before. What happens if we say that and they kill a whale? Now we have got real problems with it. There has just been a Supreme Court case won in Alaska by the wildlife group for religious purposes. Now what happens if we sit down in the Commission and say, all right, you cannot kill a whale and that whale is killed and we go in and use our muscle and it is taken to court and we have no right to enforce that law. Then what happens to the population of the whales? I am asking people to look at this not only scientifically but objectively and on a social level to avoid that type of confrontation, and it can happen.

Mr. BONKER. Well, it has happened in the State of Washington.

Mr. YOUNG. I am well aware of that.

Mr. BONKER. Well, I think your points are well made. Once again, I don't think the committee is going to be taking up a resolution specifically with respect to subsistence whaling, although I think it will be a volatile issue before the Commission. In testimony last week before this panel there was not a unanimous feeling among the groups.

Mr. YOUNG. Mr. Chairman, may I say some of my biggest adversaries on land issues support me on this issue, so it shows that there is many times a meeting of the minds on other issues.

Mr. BONKER. Does that support your position?

Mr. YOUNG. I think in this case because it helps me out, yes.

Mr. BONKER. Thank you so much for your testimony.

Mr. YOUNG. Thank you, Mr. Chairman.

Mr. BONKER. Now we will hear from the administration witnesses.

The leadoff person will be Mr. Richard Frank, who has led our delegation to the IWC session and with whom I served as an observer, I guess, at the last Whaling Commission. I do hope to be able to attend the upcoming session in July. So, Mr. Frank, we are very pleased to have you before the panel today.

**STATEMENT OF HON. RICHARD A. FRANK, ADMINISTRATOR,
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION,
DEPARTMENT OF COMMERCE, AND U.S. COMMISSIONER, IN-
TERNATIONAL WHALING COMMISSION**

Mr. FRANK. Thank you, Mr. Chairman.

It is a pleasure to be with you today to discuss our preparations for the 32d annual meeting of the International Whaling Commission. The Commission will meet this year during the week of July 21 in Brighton, England. We look forward to working with you again this year at the meeting.

We are now in the process of developing position papers for the annual meeting. The U.S. position on each issue is formulated by an interagency committee which includes NOAA, the Departments of State and the Interior, CEQ, the Marine Mammal Commission, and Members of Congress, as well as representatives from the private sector, including groups representing the interests of wildlife management, animal protection, and native peoples. While we have not yet completed our preparations for the meeting this summer, we can nonetheless identify the key issues. These issues relate to the commercial whaling moratorium, aboriginal whaling, the role of the Commission in the management of small cetaceans, the Soviet take of killer whales, and pirate whaling. I would like to discuss each issue briefly.

The United States has once again placed the commercial moratorium issue on the Commission's agenda and we will strongly press for its adoption. A review of the current membership of the Commission indicates that it may be difficult to achieve this objective. Panama will leave the Commission before the meeting, but we understand that Switzerland will join, thus keeping the membership at 23 nations. Excluding Brazil, which will cease whaling after this year, the Commission has nine whaling nations: Japan, U.S.S.R., the Republic of Korea, Iceland, Norway, Denmark, Peru, Chile, and Spain. These countries have usually voted against a moratorium and are likely to vote against it again. According to the Commission rules, a three-quarter majority is necessary to change the schedule. Thus if any six of the nine whaling nations vote against the moratorium, it will be defeated. Our chances for passing the moratorium would improve, however, if additional conservation oriented countries join the Commission prior to the July session.

The issues before the Commission relating to aboriginal whaling are complex and involve not only the Alaskan Eskimo hunt of the bowhead whale but also whaling by and for the aborigines of Canada, Denmark, and the Soviet Union.

While the final details of our bowhead position have yet to be determined, we remain committed to the principle of balancing the legitimate subsistence and cultural needs of the Eskimos with the need to protect the bowhead. To accomplish this objective effectively and responsibly requires the best available data, both in terms of the whale and its population status and dynamics and in terms of the people and their subsistence needs. Two scientific investigations are currently in progress: (1) field work in northwestern Alaska related to the spring migration of the bowhead, and (2) a reappraisal of the Scientific Committee's indication last year that the bowhead population would likely decline over the next several years even in the absence of a hunt.

This latter conclusion was based on a model and a number of assumptions that are subject to question. Our scientists at the National Marine Mammal Laboratory are reviewing this problem and testing alternative approaches. The results of this analysis are not yet complete. They may, as appropriate, reopen this issue at the Scientific Committee meeting this summer though I cannot tell you now whether they will or will not at this time. In addition, our scientists in the field are accumulating data from the spring bowhead migration and their studies are still in progress.

Both the field studies and the review, however, will be completed in time for their submission to the Scientific Committee and for consideration in the development of our final position. In addition to these studies, a new study has been undertaken through the Department of the Interior to assess the subsistence needs of the North Slope Natives. I imagine Under Secretary Joseph will comment on that. While the United States recognizes the real and justifiable needs of the Eskimo to take bowhead whales, quantifying these needs remains a very difficult matter.

Two other large cetacean issues involving aboriginal needs must be discussed during the upcoming annual meeting, specifically the Greenland Eskimo harvest of humpbacks and the Soviet harvest on behalf of their Siberian natives of gray whales.

The United States has on several occasions carefully documented the use of the bowhead by our peoples. The same cannot be said for either the Greenlanders or the Soviets. While we are committed to meeting our responsibilities to native peoples, we are likewise committed to fulfilling our obligations to the protection of whales, including those like the humpback, which are endangered, or the gray whale, which because of its near shore distribution is highly vulnerable to environmental modifications. We are concerned about the absence of documentation regarding the use of whales taken by other countries.

In the case of the humpbacks harvested in Greenland, a stock which numbers no more than about 2,000 animals, the Greenlanders exceeded their allocation last year by 100 percent. This situation is exacerbated by the probability that this same stock is also hunted by the people of St. Vincent and the Grenadines [Bequia] during the winter migration and is subject to increasing incidental injuries and mortalities in the cod traps along the Canadian coast.

The Soviet gray whale and Greenland humpback whale harvests will be examined at this year's annual meeting, and the United States

will seek to impose a reporting requirement on the U.S.S.R. and Denmark as well as all other Commission members which are involved in aboriginal hunts designed to elicit information to account for those hunts.

Finally, with regard to aboriginal hunts, the Commission will examine the taking by Canadian natives of two species of small cetaceans, the narwhal and the beluga whale. This issue is complicated by the question of whether the Commission has jurisdiction over the management of small cetaceans. The United States believes that the Commission does possess this authority, and we will so argue at the forthcoming meeting.

As to the Soviet killer whale harvest, whether the factory ship moratorium adopted by the Commission last year is being violated by the Soviet harvest of killer whales raises another area of considerable concern. This past whaling season the Soviet Union reported the take of nearly 1,000 killer whales by its antarctic factory ship operation. This take, which is many times larger than any previously reported take of killer whales, occurred despite the moratorium and despite a 1979 Scientific Committee report urging the U.S.S.R. to limit its 1979-80 harvest of killer whales to 24. Should our moratorium proposal fail to be adopted, the United States will undertake whatever steps are necessary to close the loopholes which are allowing the Soviets to utilize factory ships to harvest whales other than minke whales.

The last issue I would like to discuss is the problem of whaling by nonmember nations, particularly those instances where the product is exported to Commission members. Significant progress has been made in eliminating "pirate" whaling vessels, and Japan, a prime target of criticism in the past, has established strong restrictions against importations of whale meat from nonmember nations. Japan is now conducting internal investigations of its administration of these restrictions, and I look forward to its report at the meeting. I will continue to remind the member nations of the provisions of the Packwood-Magnuson and Pelly amendments and of my intent to take forceful action whenever it is appropriate. These matters were raised during my recent visit to Japan and I am convinced that the message was clearly understood.

In conclusion, Mr. Chairman, I expect that draft position papers for each of the Commission's agenda items will be completed in about 10 days. I have already met with representatives of many Commission members and I or my representative will expand our prenegotiation efforts following the completion of the draft position papers. As they have in the past, our prenegotiation activities will provide opportunities not only to inform and persuade other countries of our positions, but also to gather information concerning the intentions of those countries. The information which we obtain will allow us to make any final adjustments necessary to maximize the effectiveness of our initiatives at the Brighton meeting. We will discuss any such changes at the Interagency Committee meeting on June 18, 1980. I am certain that we will be well prepared for the 32d annual meeting, and I will make every effort to have the Commission adopt the U.S. positions.

I thank you very much. I would be happy to answer any questions before Under Secretary Joseph and Mr. Brown have given their testimony.

Mr. BONKER. Thank you very much, Mr. Frank. I think your statement touched on most of the issues that concern us before we attend the session.

We will now hear from the other two witnesses. We were to hear from the Honorable Thomas Pickering, who has been a member of our delegation in past years, but he is unable to make it today. So his deputy, Mr. Leslie H. Brown, who is the Senior Deputy Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, is with us today.

Mr. Brown?

STATEMENT OF LESLIE H. BROWN, SENIOR DEPUTY ASSISTANT SECRETARY, BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS, DEPARTMENT OF STATE

Mr. BROWN. Mr. Chairman, I appreciate this opportunity to testify before the subcommittee on U.S. preparations for the 32d International Whaling Commission meeting to be held in Brighton, England July 21 through 26. In collaboration with Mr. Richard Frank, the U.S. Commissioner to the IWC, and other U.S. Government agencies and nongovernmental groups and interested Members of Congress and staff, we are now developing U.S. Government positions on the various items included in this year's IWC agenda. The major items, as Dick Frank has already noted, are the question of a moratorium on all commercial whaling, international adherence to regulations of the IWC, the question of aboriginal whaling particularly with respect to bowhead whales and the matter of IWC regulation of small cetaceans.

The Department of State's responsibility as an adviser to the U.S. Commissioner to the IWC is fourfold: One, to insure that our IWC positions are consistent with other international treaties and negotiations—for example UNCLOS; Antarctic Treaty; two, to insure that IWC policies are consistent with our broader foreign policy objectives; three, to insure that other member governments of the IWC are apprised of U.S. positions on the issues before the Commission; and four, to convey to our own delegation and Government agencies foreign interests and positions on IWC matters. We expect bilateral discussions to begin with IWC member countries early next month on the 1980 IWC agenda items. We have already conveyed to IWC member countries our view that a moratorium on all commercial whaling will be our highest priority and we have asked U.S. missions to raise this matter at senior levels of host governments.

The IWC has made great improvements in its management procedures over the past few years and whale quotas have been drastically reduced. However, the uncertain status of many whales have led us to press for a worldwide ban on commercial whaling. We believe this moratorium will once again pass the Technical Committee of the IWC—which requires a 50-percent vote in favor—and we see the possibility of a favorable vote in the plenary. This will depend, in part, on positions taken by new members of the IWC.

At present there are 9 whaling countries represented in the 23 members, but others could join before the next meeting. Panama, a non-whaling nation, will not be a member at the July meeting; however, another nonwhaling nation, Switzerland, is expected to become a member in time to participate in the meeting.

We have approached several nonwhaling countries concerning IWC membership and continue to request information on their plans from those that have shown any interest. We have given the moratorium the very highest priority in our approaches to IWC member countries.

On the basis of last year's vote—11 for, 5 against and 7 abstentions—the key countries will be Brazil, Canada, Chile, Denmark, Iceland, Republic of Korea, Norway, Peru, South Africa, and Spain. We will be consulting with these countries, together with Switzerland and any other new members on this and other major agenda items. At last year's meeting we were especially encouraged by the actions of South Africa, the United Kingdom, and Australia which resulted in more stringent protective measures for the conservation of whales and will look to them for strong support in the effort for the moratorium.

Since the last IWC meeting we have made a special effort with member governments to stress the need for adherence to the regulations of the Commission. We have explained the provisions of the Packwood-Magnuson amendment [to the Fishery Conservation and Management Act] and the Pelly amendment [to the Fishermen's Protection Act] in detail. We are presently investigating the charges of the illegal activities of a number of countries, including actions that could lead to the application of sanctions under both of these acts.

The intensive inquiry into private whaling efforts, so-called "pirate whaling" by the U.S. Government and conservation groups and the explanation of the potential result of any countries supporting these activities, has been widely disseminated. We are encouraged to note that pirate whaling seems to be coming to a halt. We are awaiting written confirmation that the *Cape Fisher*, the last such vessel under investigation, is being sold as a fishing vessel. As you know, one vessel was sunk. We are also watching closely the implementation of the Japanese Government's ban on imports of whale meat from non-IWC countries. The impact of this ban in the case of whales that are taken by non-IWC countries and shipped to Japan by way of an IWC member country is not yet clear.

In my testimony that I will submit for the record we have something to say on the aboriginal subsistence item but I won't read it here, since it parallels what Mr. Frank has already said.

On the issue of small cetaceans we are in strong support of the concept that in fact the IWC authority does extend over these animals and we will hope to get the IWC to take on that responsibility. We, too, are particularly disturbed by the 900 killer whales the Soviets took in the last whaling season.

Mr. Chairman, this completes my discussion of the major agenda items. The IWC has made enormous progress over the last few years. We have to maintain that pace.

That completes my statement. I will be happy to answer questions now or later.

[Mr. Brown's prepared statement follows:]

PREPARED STATEMENT OF LESLIE H. BROWN, SENIOR DEPUTY ASSISTANT SECRETARY,
BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS,
DEPARTMENT OF STATE

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We have approached several non-whaling countries concerning IWC membership and continue to request information on their plans from those that have shown any interest. We have given the moratorium the very highest priority in our approaches to IWC member countries.

On the basis of last year's vote (11 for, 5 against and 7 abstentions), the key countries will be Brazil, Canada, Chile, Denmark, Iceland, Republic of Korea, Norway, Peru, South Africa and Spain. We will be consulting with these countries, together with Switzerland and any other new members on this and other major agenda items. At last year's meeting, we were especially encouraged by the actions of South Africa, the United Kingdom and Australia which resulted in more stringent protective measures for the conservation of whales and will look to them for strong support in the effort for the moratorium.

Since the last IWC meeting we have made a special effort with member governments to stress the need for adherence to the regulations of the Commission. We have explained the provisions of the Packwood-Magnuson Amendment (to the Fishery Conservation and Management Act) and the Pelly Amendment (to the Fishermen's Protection Act) in detail. We are presently investigating the charges of the illegal activities of a number of countries, including actions that could lead to the application of sanctions under both of these acts. The intensive inquiry into private whaling efforts, so-called "pirate whaling" by the U.S. Government and conservation groups and the explanation of the potential result of any countries supporting these activities, has been widely disseminated. We are encouraged to note that pirate whaling seems to be coming to a halt. We are awaiting written confirmation that the Cape Fisher, the last such vessel under investigation, is being sold as a fishing vessel. We are also watching closely the implementation of the Japanese Government's ban on imports of whale meat from non-IWC countries. The impact of this ban in the case of whales that are taken by

non-IWC countries and shipped to Japan by way of an IWC member country is not yet clear.

Our position on the aboriginal/subsistence agenda item and particularly the Bowhead whale hunt by the Alaskan Eskimos is now under review. It is a difficult issue for us both domestically and internationally. In response to a resolution passed at the 1979 IWC meeting, the Department of the Interior has undertaken to develop data on all aspects of the Eskimos' needs, and we expect its recommendation in the near future. NOAA, in response to the same resolution is leading an effort to obtain data from scientific field studies on the bowhead. We consider the U.S. position on this issue to be of the highest priority in our preparations for this year's IWC meeting. We are considering a proposal under aboriginal whaling that requires the USSR in their taking of gray whales to provide information on research, utilization and need.

The consideration of a proposal that the IWC should assume responsibility for small cetaceans is another agenda item of particular importance. At last year's meeting, there was a determination to seek the legal advice from contracting governments on whether the taking of small cetaceans could be regulated under the IWC. The USG analysis resulted in the conclusion that the Convention does authorize this regulation. Our final position on small cetacean issues will take into account the responses of other member countries and the results of a review of small cetaceans taken by member countries. We do expect that the Soviets take of over 900 killer whales with factory ships will not sit well with most countries. In light of the IWC Scientific Subcommittee on Small Cetaceans recommending a quota of 24, we can hope for an outcome that will make this sort of behaviour illegal in the future.

That completes my discussion of the major agenda items for the upcoming IWC meeting. Although we are still gathering data and our analysis is incomplete, we have a strong commitment to the conservation and management of whale stocks. The IWC has made enormous progress over the last few years and we can, I think, look forward to maintaining the pace in 1980.

Mr. Chairman, that completes my statement and I would be happy to answer any questions you may have.

Mr. BONKER. Thank you, Mr. Brown.

We shall now proceed with the third witness, the distinguished Under Secretary of the Department of the Interior, a longtime friend, and one who has been involved in the Interior Department's studies that relate to the subject before us. Mr. Joseph, we are very anxious to hear your testimony. You may proceed.

STATEMENT OF HON. JAMES A. JOSEPH, UNDER SECRETARY, DEPARTMENT OF THE INTERIOR

Mr. JOSEPH. Thank you, Mr. Chairman.

I am pleased to be here today to set out the position of the Department of the Interior for the coming session of the International Whaling Commission. I have chosen to appear before you personally because I wanted to underscore the importance of the issue to the Secretary. As you are aware, the Department of the Interior plays a very different and limited role in regard to the issue before us. The Department does not have regulatory authority over any of the species within the IWC's jurisdiction. Rather, the Department's stake in the IWC's negotiations arises from its responsibilities and commitment to Alaska Natives. Specifically, it is to advocate that Alaska Eskimos retain the opportunity, within the quota set by the IWC, to have a subsistence take of the bowhead whale.

Mr. BONKER. May I ask, Mr. Joseph, is the Interior Department represented on the Interagency Committee referred to by Mr. Frank?

Mr. JOSEPH. Yes, we are. We will also have a representative on the delegation to the meeting in London.

Mr. BONKER. Do you personally serve on that committee?

Mr. JOSEPH. No, we have representatives. I have two people with me. I am not sure who our delegate will be this year. Last year our representative was—

Mr. BONKER. Let me ask you one more question before you proceed. As a representative on that Interagency Committee do you confine your views to bowhead whales or do you participate in a whole range of issues?

Mr. JOSEPH. We participate in a whole range of issues but our particular mandate is this: We are concerned about the whales but as the Department having the specific responsibility for Alaska Natives our responsibility is with the subsistence hunting for the Natives.

Mr. BONKER. You may proceed.

Mr. JOSEPH. The bowhead whale is a species under the jurisdiction of the IWC. It is considered by the IWC and the United States to be an endangered species. The Alaska Eskimo's subsistence take of the bowhead whale has been an emotional and controversial issue in recent years. In the Department's view, Mr. Chairman, and in my own, this is a very highly complex and sensitive and serious issue. Since our charge in this complex situation is most directly related to Alaska Natives, as indicated, I want to relate my remarks to the Alaska Eskimo's subsistence take of bowhead whales.

The Department historically has been an outspoken advocate of that subsistence take of bowheads and I want to strongly reiterate that position today. In doing so, I would like to touch on several key points.

One, it is clear that the Alaska Eskimo's bowhead whaling is not commercial whaling. It is not whaling for profit. Rather, it is a subsistence hunt. Alaska Eskimos use virtually all of the whale that is taken for subsistence purposes.

Second, the bowhead whale hunt is the linchpin of the Alaska Eskimo culture. The community preparation for the hunt, the hunt itself, and the aftermath celebration and ceremonies of the whale hunt—even in unsuccessful years when no whales are taken—provide the Alaska Eskimo community with its identity and the method of developing leadership and status within the community. And of major importance now, when the Eskimo culture is under great stress from resource development, industrialization, and other new pressures, the hunt provides the community continuity—an invariable something, a bulwark if you will.

Now there seems to be little disagreement that the bowhead hunt is an integral part of the Eskimo culture. The dispute, and the difficulties, come in the quantification of that need. That is to say, what is the fewest bowheads, an endangered species, the Alaska Eskimos must harvest to insure their cultural integrity which is equally endangered? What is the minimum the Eskimo community must take for its survival while we determine the harvest the species can tolerate for its survival?

Quantifying that need, Mr. Chairman, is an enormously difficult task. It means the commitment of a great deal of time and resources. And since the environment for this work is the Arctic, much depends on luck with the weather. If that luck fails, it means more time and more money. All this does not, however, mean that we can report no

progress. For as Commissioner Frank explained earlier, I want to make several points.

First, there is work going on right now on the ice to try to more accurately determine the size of the existing bowhead population. The quantification of the Alaska Eskimo need, of course, depends on the existence of the whale stock. The Alaska Eskimos, knowing full well that their culture depends on the continued existence of the whale, have stated that if the bowhead herds are shown to be conclusively in an endangered state, they will abstain from hunting. As you no doubt know, the present estimate on the bowhead population, 2,264, although by no means bountiful, is a much more hopeful sum than the original prognosis of but a few years ago.

Second, in 1979 the IWC annual meeting was presented with the thesis that the bowhead population was at such a low point that it would continue to decline whether or not the subsistence hunt continued. I understand that that thesis has been reassessed during the past year. The preliminary reports show that the earlier assessment of the bowhead stock was arrived at too hastily. This is most encouraging.

Third, the Department of the Interior has specifically undertaken to document the cultural and subsistence needs of the Alaska Eskimos for the bowhead whale. The Department has undertaken this study in answer to the 1979 IWC resolution asking the United States to document Alaska Eskimo need for the bowhead based upon certain set criteria. Some preliminary work on that study has been completed; the Department's efforts will continue through the next year. The Department has budgeted \$200,000 for this continued work. We intend to have completed our efforts in compiling information on the Alaska Eskimo's subsistence bowhead needs in time to urge the IWC to institute a self-regulating aboriginal whaling regime at their annual meeting in 1981.

It is clear to the Department that a satisfactory resolution of this complex and contentious situation and the successful self-regulation of the bowhead hunt requires trust, open communications and cooperation between governmental agencies and the Eskimo people. Particularly such communication and cooperation must exist between the Government and the Alaska Eskimo Whaling Commission, the organization of Eskimo whaling captains established to manage the Eskimo bowhead whaling. I believe that without the meaningful involvement of the Eskimo community, through the AEWC, in solving the national and international problems associated with the bowhead hunt, a solution will simply not come about. At the same time, we also believe that the Eskimos, through the AEWC, have a serious responsibility to demonstrate that the hunt is being conducted efficiently and with a minimum of waste. We believe that the AEWC should continue to take the IWC quotas seriously. We encourage them to do so. We believe also that the AEWC, in cooperation with the governmental agencies, should work toward a reduction in the struck and lost figures.

The Alaska Eskimo Whaling Commission was formed only in 1977 as an Eskimo response to the world's apparent discovery and regulation of Alaska Eskimo bowhead whaling. However, in that short time it has institutionalized complex research, education, and management schemes. We commend those efforts. We encourage the AEWC to look

to the Department as a partner in cooperation for its present and future programs.

In closing, Mr. Chairman, I would like to make clear that the Department of the Interior is well aware of its responsibility to the U.S. delegation and to the IWC to help define a balance which will insure the continued survival and integrity of the Alaska Eskimo culture and the continued survival of the bowhead whale. The two have been inexorably linked throughout living memory. It is a problem which admits of no simple solution; but unless a solution, a balance, is found, one or the other, a threatened culture or an endangered species will perish. If that happens, we will all suffer an irreparable injury.

It seems to us at the Department of the Interior, in light of the best available evidence, that a limited, carefully self-regulated subsistence take of bowheads by Alaska Eskimos will not endanger the whale population, but a ban on bowhead whaling would most certainly shatter the culture of the Alaska Eskimo. We submit that the United States and the IWC must work to see that the Eskimo people, and thus the bowhead whale, be allowed to exist in interdependence.

Thank you.

Mr. BONKER. Thank you, Mr. Joseph.

I would like to commend all the witnesses for excellent testimony touching upon all the points that we are concerned with as we go into the 32d IWC session.

I have several questions and probably will lead off with Mr. Frank. I would like to know, as the Commissioner to the IWC, how you view the Scientific Committee. We have had testimony earlier from Congressman Young that the Scientific Committee has recommended a zero quota for bowheads. That makes its way through the Technical Committee and then goes to the plenary session. As the head of the delegation, you are looking at the Scientific Committee's recommendations which become a basis for a decision which may be contrary to an established U.S. policy position.

How do you function as chairman of the delegation? Do you ignore the Scientific Committee or do you say that because of our well-established position on bowheads we are not going to pay attention to the scientific recommendations?

Mr. FRANK. The Scientific Committee is essential to the Commission's operation because it provides the best scientific advice that we can get.

Mr. BONKER. Is it fairly credible, in your estimation?

Mr. FRANK. Yes; it is made up of some very competent individuals. In many instances its projections are based on inadequate information and this is recognized. Therefore, in some instances it has some difficulty in making exact projections. It often yields alternatives. In connection with bowhead whales, the Scientific Committee had recommended a zero quota but it has also recommended that the Commission may wish to take into account other factors.

Mr. BONKER. What was the Technical Committee recommendation? The recommendation of the Scientific Committee was a zero quota. What was the recommendation of the Technical Committee?

Mr. FRANK. Last year the Technical Committee recommended specific numbers—18 killed, 27 struck.

Mr. BONKER. Was that adopted by the plenary session?

Mr. FRANK. The plenary adopted 18 and 26. That perhaps reflects a compromise. The problem is something slightly different. The Scientific Committee has not traditionally been given the mandate of establishing quotas in subsistence whaling. Following the models it is using, if this were a commercial hunt I would be voting for zero quota.

Mr. BONKER. Because of the scientific information?

Mr. FRANK. Because the stock is in an unhealthy state. You take into account different factors. The Scientific Committee has not been asked to do that and it has not done it. It has essentially left that to the Commission.

Mr. BONKER. It seems to me the IWC has not taken up this issue of subsistence, at least it has not developed a policy which gives it some consistency.

Mr. FRANK. You are absolutely correct. That is why last year we urged them to look at a different kind of regime for a subsistence hunting. It has agreed to do so next year with regard to bowhead whales and it may do that with regard to other subsistence hunting.

Mr. BONKER. In your preparatory work, are you going to advance some proposals?

Mr. FRANK. Yes. We have already had meetings with other countries on the subject. Some of that information has already been conveyed to the IWC and after this meeting we will engage in another meeting to see whether that regime would be acceptable or not. I think your basic point is quite correct. It has not been equipped to handle this issue. It has not looked into the subject of culture.

Mr. BONKER. Maybe the Scientific Committee ought to look narrowly at the population base and the state of the resource and so forth and the Technical Committee ought to consider these other variables.

Mr. FRANK. That is what happened in the last 3 years.

Mr. BONKER. Is it your experience that the plenary session pretty much follows the Technical Committee recommendation?

Mr. FRANK. No, sir, and that is because the Technical Committee will recommend something and the plenary, at least with respect to these items, requires a three-quarter majority to change the IWC schedule. Consequently there are often changes between the Technical Committee and the plenary. You can often tell whether there will be changes when you look at the vote.

Mr. BONKER. You made reference in your statement to two areas that were not fully covered in the previous hearing. One dealt with pirate whaling and the other with the Russian take of killer whales. Now, in terms of killer whales, we have known that that species is a very popular recreation outlet for Sea World and others. They come off the coast of Puget Sound and use the killer whales for display or in their Sea World appearances around the country. You are saying that the Russians are now taking killer whales?

Has the Scientific Committee made any assessment of killer whales? Are there quotas allowed, or is it strictly prohibited, and, if so, does that mean the Russians are not adhering to the recommendations of the IWC?

Mr. FRANK. The IWC looked at the subject of killer whales and the Scientific Committee recommended a number of 24 that the Russians ought to take this year. The Soviets have not followed that

recommendation and we are concerned that the population of killer whales is not that large. Consequently, a take of nearly 1,000 is a quite serious matter. It does not seem to us that there is any rhyme, reason, or need for the Soviets to engage in this particular type of whaling. We will raise it at the Commission. The end result may be that the killer whales will be on the schedule, which the Soviets will have to comply with.

Mr. BONKER. I have a letter from Mr. Pickering that I would like to have included in the official record at this time, and briefly quote from it for the purpose of directing a question to Mr. Brown.

[The letters referred to follow:]

ASSISTANT SECRETARY OF STATE,
OCEANS AND INTERNATIONAL ENVIRONMENTAL
AND SCIENTIFIC AFFAIRS,
Washington, D.C.

HON. DON BONKER,
*Chairman, Subcommittee on International Organizations,
House of Representatives.*

DEAR MR. BONKER: The Secretary has asked that I respond to your letter of May 2 in which you and nineteen of your colleagues emphasize the importance of including strong conservation safeguards in the Convention for the Conservation of Antarctic Marine Living Resources that is currently in the final stages of negotiation in Canberra. At the outset, let me express my appreciation for the interest shown by you and your colleagues in this important negotiation.

The preparations for the present conference have been underway since 1977. These preparations resulted in a comprehensive draft treaty which is now being examined at the Canberra Conference. In several respects, the draft treaty now being considered in Canberra reflects a degree of enlightenment all too rare in the area of conservation. First, this treaty for the Southern Ocean represents what is believed to be the first example of a conservation agreement being set in place prior to the start of large-scale commercial harvesting. The normal history of conservation has been that it occurs only after depletion of the stocks has occurred. However, with respect to Antarctic fishery stocks, the nations presently conducting experimental fishing operations are negotiating a conservation regime with the other members of the Antarctic Treaty.

Another aspect which makes the draft treaty presently under negotiation unique is that it follows an "ecosystem approach." Under this approach, conservation measures are designed not to protect just the individual species which are the target of the fishing activities but all organisms dependent upon that target species. Further, the area to which the conservation regime would apply is determined primarily by the Antarctic Convergence that acts as a natural barrier separate the organisms of the Southern Ocean from the other bordering oceans. This allows for conservation of an entire ecosystem. The great whales, however, cross this natural barrier. Therefore, the conservation standard to be applied treats the great whales as a dependent species and calls not only for their preservation, but also restoration of those species of whales which have been depleted. The draft treaty, however, would not regulate the taking of whales. As you know, the International Whaling Commission (IWC) performs that function on a global basis and we believe it should continue to do so.

With respect to the Soviet taking of more than 900 killer whales by factory ships after the IWC Scientific Subcommittee on Cetaceans recommended a quota of 24, the International Whaling Commission must not allow this action to be repeated. The U.S. delegation intends to make sure specific regulations are passed by the International Whaling Commission which will prohibit such action in the future. We also will work to insure that the IWC has authority to regulate the taking of all small cetaceans. We would appreciate the assistance of the members of Congress that will be on the delegation to the July IWC meeting in reaching this important goal.

Returning to conservation of Antarctic living organisms, let me state that we believe there is always room for further improvements in the draft treaty and we

are always open to such suggestions. I have forwarded your letter to our delegation in Canberra and I am sure that if there are ways in which the draft treaty can be improved, they will seek them. However, I must point out that intensive negotiations have taken place since 1977 to develop the draft treaty now before the Canberra meeting, and as a result we will have a limited opportunity for substantial improvements.

In the preparatory process and at the Canberra meeting itself, we have sought to insure public participation. One mechanism has been the Antarctic Section of the Department of State's Oceans and International Environmental and Scientific Affairs Advisory Committee. The Section meets regularly in both open and closed sessions and its membership includes representatives from the International Institute for Environment and Development, the Center for Law and Social Policy, and the Sierra Club, as well as internationally recognized authorities in the marine biology of the Southern Ocean. The treaty and its negotiation have been discussed in this group by a number of the member organizations of the Antarctic and Southern Ocean Coalition (ASOC) even before the coalition was organized earlier this year. The U.S. Delegation to the current Conference to conclude a Convention on the Conservation of Antarctic Marine Living Resources includes a non-governmental representative, Mr. James Barnes of the Center for Law and Social Policy. The Center is as you know, also a member of the Antarctic and Southern Ocean Coalition (ASOC). In addition, the Delegation includes a non-governmental expert on ecosystem modeling, a representative from the Marine Mammal Commission, and from the Department of Commerce. These Delegation members have been involved in all prior negotiations and the preparations for these negotiations.

With respect to participation of ASOC in the Canberra meeting, our delegation in Canberra reports that unfortunately support from other delegations present in Canberra sufficient to allow ASOC to be accredited as an observer has not been forthcoming. As you know, we took a series of steps to support ASOC's accreditation prior to the conference, and we continued to support ASOC's accreditation in Canberra. We continue to support observer status for legitimate non-government organizations in international negotiations of this sort.

I welcome your support and that of your colleagues for increased research in the Southern Ocean. Such research obviously will be essential for the effective functioning of the proposed treaty. During these times of budgetary constraints, obtaining the funding necessary for this essential research will require support from you and your colleagues. In recent weeks, I have taken steps to seek to prevent further cuts in the Antarctic Research Program administered by the National Science Foundation and we warmly welcome your interest in and support of this objection.

The convention itself, of course, will not automatically produce the results we seek. It provides the means for doing so. It represents the very necessary first step in the process of providing the effective conservation for Antarctic marine living resources. Therefore, to supplement the conclusion of the convention itself, the U.S. delegation in Canberra is also seeking agreement on a resolution providing for steps to be taken in the period after signature of the convention and before its entry into force. These interim steps are designed to facilitate the early entry into force of the convention and initiate the scientific and statistical work which will be required to render operative the machinery to be created by the convention.

The negotiations in Canberra are to conclude on May 21. After the Delegation has returned to Washington, we will forward to you a copy of the treaty, the report of the Delegation, and would be pleased to offer briefings for you and your staff at your convenience. Should you or any member of your staff desire further information, we will be happy to provide it.

Sincerely,

THOMAS R. PICKERING.

MAY 2, 1980.

HON. EDMUND MUSKIE,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: On May 5, 1980, the Government of the United States will undertake negotiations with fourteen other countries to conclude a Convention for the Conservation of Antarctic Marine Living Resources. In an

increasingly polluted world, the preservation of the Antarctic environment is paramount. Its waters not only support a rich abundance of sea life but are a basic source for the replenishment of ocean currents that nourish the oceans of the southern hemisphere. Its gigantic land mass and ice cover are integral components of the entire globe's weather system.

Out of concern for Antarctica's future, a global coalition of nearly 100 organizations from 21 countries has been formed. This coalition, the Antarctic and Southern Ocean Coalition (ASOC), recently wrote to the heads of State of all the treaty negotiators, putting forward a series of proposed amendments to the draft Convention. We support the work of this coalition.

The United States should insist upon strong conservation safeguards to ensure the preservation of the Antarctic marine environment. The acceptance of such safeguards as limitations on fisheries catch and requirements for the reporting of catch data are essential if irreversible damage to the ecosystem is to be prevented. To that end, the United States should press for improved enforcement and monitoring provisions in the new treaty.

Commercial interest in the Antarctic and southern oceans has focused during the last few years on the fishery potential of a small, shrimp-like crustacean, krill. Krill exists in great abundance in the Southern Ocean and may serve as a vital protein resource for the world. At the same time, krill is the basic food source of the entire ecosystem, including the great whales.

Increased activity in the krill fishery by the Soviet Union, Poland, and Japan has led to the negotiations that will be concluded this month in Australia. The draft Convention, while containing some notable achievements, still falls short of that which is necessary if future exploitation is to be orderly and compatible with the ecosystem's survival.

Other recent developments in Antarctica confirm the need for a strong, new convention. As most Americans are aware, the International Whaling Commission (IWC) last summer accepted a moratorium on commercial whaling carried out by factory ships with one exception for minke whales. The Soviet Union took advantage of a loophole in the moratorium to kill over 900 orcas. The taking of these killer whales is outside any international agreement and therefore unacceptable to Members of the IWC. Such flagrant action underlies the need for strict controls in the new international treaty.

We also believe it is important that non-governmental organizations such as ASOC be allowed to participate in the conference. The presence of such groups at the International Whaling Commission has contributed to progress for cetacean preservation. We welcome the action of the Department of State in requesting that ASOC be accredited as an observer at this month's deliberations.

As a final point, we join ASOC in urging that the 1980's be designated as an International Decade of Southern Ocean Research, a recommendation also made by the World Wildlife Fund and the International Union for Conservation of Nature and Natural Resources in their World Conservation Strategy. With the large potential economic productivity of this area, and the potential impacts on other species, it is surely incumbent upon us to provide our scientists with the funds needed to learn more about this valuable—and vulnerable—ecosystem. Only with their informed cooperation can we ensure that the area will provide sustained productivity for the future protection of all species in the ecosystem. Particular attention should be devoted to the crucial equilibrium of the krill and whale populations.

We urge you to endorse those proposals. Antarctica is still a distant idea to most people, but its time has come. Few have seen a whale but many rightfully hold its survival important. All who appreciate the magnificence and beauty of Antarctica and the importance of this ecosystem readily agree that the preservation of Antarctica will soon become one of the critical international environmental issues of this decade.

Sincerely yours,

Don Bonker, Chairman, Subcommittee on International Organizations;
Les AuCoin; James M. Jeffords; G. William Whitehurst; Jim
Lloyd; Fortney H. (Pete) Stark, Jr.; William Lehman; Patricia
Schroeder; Edward J. Stack; William J. Hughes; James L. Ober-
star; Robert A. Roe; Tim Lee Carter; David Emery; J. J. Pickle;
John E. Porter; Michael D. Barnes; Richard L. Ottinger; Vic
Fazio; Shirley Chisholm.

Mr. BONKER [reading]:

With respect to the Soviet taking of more than 900 killer whales by factory ships after the IWC Scientific Committee on Cetaceans recommended a quota of 24, the IWC must not allow this action to be repeated. The U.S. delegation intends to make sure that the specific regulations are passed by the International Whaling Commission which will prohibit such action in the future, and we will also work to ensure that the IWC has the authority to regulate the taking of all small cetaceans.

Now, given the fact that the Soviet take of killer whales has greatly exceeded the recommended quota, what has the State Department done to communicate its concern, perhaps its outrage, to the Soviet authorities?

Mr. BROWN. I think we have made clear that the other members of the IWC—we believe that the IWC has the authority to extend protection to small cetaceans and that, in fact, that will be one of the items on our agenda. I cannot tell you, I am sorry, through ignorance exactly what the country-by-country response has been to these representations, but I think they are reasonably hopeful.

Mr. BONKER. I am sorry. I may have missed what you said about your communication to the Soviet authorities for greatly exceeding the quota on the take of killer whales.

Mr. BROWN. I don't know that we have singled out the Russians. We believe we must get the killer whales on the IWC schedule. In other words, to make the killer whale quota an enforceable item. At the moment, it is a recommendation without force.

Mr. BONKER. Maybe you can clarify my confusion on that. It seems to me that the Scientific Committee did recommend a quota of 24 and, according to Mr. Pickering, more than 900 killer whales were taken by Soviet factory ships.

Mr. BROWN. I believe—correct me if I am wrong, Dick—that that recommendation is just that; it has no legal effect in terms of enforcement.

Mr. BONKER. What about the spirit of the recommendation? Have we done anything to communicate our concern to the Soviets?

Mr. BROWN. We are communicating with the Soviets about our concerns and are informing them that we disapprove of their taking killer whales at least in this quantity and that we are going to urge that killer whales be put on a schedule and that other small cetaceans are included also. It will be part of our formal statement.

Mr. FRANK. It is correct what Mr. Brown said. It is not a Commission decision.

Mr. BONKER. I see. It was recommended by the Scientific Committee, but did not move through the process?

Mr. FRANK. Yes. Only this year when the Soviets took close to 1,000 did the problem arise.

Mr. BONKER. I would assume there was an assessment of almost all of the whale populations, and that the Scientific Committee has come up with recommendations. Obviously, it does not deserve to come before the appropriate committee but this will be one of the proposals advanced by the administration in the plenary session.

Mr. FRANK. Yes, sir.

Mr. BONKER. And you feel that the Scientific Committee is a credible entity, that based on what they have to work with they are doing a good job in putting together their recommendations?

Mr. FRANK. Yes, it is very credible. I want to reiterate, it is very difficult to count whales. In many cases we don't have enough data; the models are not complete. It is hard to tell what the situation will be for the bowhead whale, for example, where a statement by the Commission last year was subject to question; that is, whether or not there should be a hunt. That kind of statement I do not think is adequately supported. It may be correct. The problem is, we do not have enough information.

Mr. BONKER. Dick, as the Commissioner, do you ever feel a little awkward or inconsistent that on the one hand we adhere to Scientific Committee regulations as they relate to most species, but when we get into our own backyard with this volatile issue of bowheads, somehow we have to part company in the Technical Committee and work our will in the other direction? Is that a problem for you to deal with?

Mr. FRANK. It is not because our position is an inconsistent one. We are against commercial whaling; we are not against aboriginal whaling. We are consistent. We have not been against the Soviet take of a limited number of gray whales. We have not been against Greenland and their traditional aboriginal whaling. Before 1977 we were in favor of a moratorium on commercial whaling but we are not against the aboriginal take of whales for subsistence needs.

In the case of commercial whaling, the numbers of whales taken are very high. In the case of aboriginal whaling, the numbers are very low. Commercial whaling is what has caused the problem with whaling. Even in the case of the bowhead, as Congressman Young said, it was commercial whaling in the 19th century that caused problems for this whale. I think that is basically the difference. Also, the cultural need of subsistence whaling is quite different from some of the needs for commercial whaling. I think in any commercial venture you can channel the will of the people. It is hard to channel a culture. I might say that a lot of people don't accept the distinction.

Mr. BONKER. Are there countries that are against seeing a total moratorium? Is the pressure coming from certain countries or coming from NGO's that are involved in whaling issues? The United States is one of the strongest advocates for the commercial moratorium, but it is not pushing for a total moratorium. What about in the IWC?

Mr. FRANK. For the commercial moratorium?

Mr. BONKER. For a subsistence moratorium.

Mr. FRANK. I am unaware of any country that is in favor of a total moratorium including subsistence take. Other countries may have introduced resolutions to that effect but they have not pressed it, but that does not mean they have not been concerned with the moratorium proposals that have been debated most seriously within the commercial area.

Mr. BONKER. What about Japan? Is it easy to distinguish between subsistence and commercial, or do the lines get fuzzy when you are trying to establish what is commercial and what is subsistence?

Mr. FRANK. I don't think they get fuzzy. I think they are all commercial, nonaboriginal whaling. However, I think you can draw some distinctions between the commercial factory ship operations which involve rather substantial businesses on the one hand, and fishing villages which have been involved in commercial whaling for extensive periods of time. I would not call the latter a cultural issue as much as an issue of full dependence by a community on a particular kind of commercial

activity. We have been very sympathetic with that problem and that is why in connection with the urging of the moratorium, we have discussed with whaling countries ways in which they can phase out so that there would be minimal or no impact, or we have lessened the impact at least on the individuals who engaged in whaling. They have not been prepared to do that, with the exception now of some Latin countries.

Mr. BONKER. Mr. Brown, in your statement on page 4 you state, "The impact of this ban in the case of whales that are taken by non-IWC countries and shipped to Japan by way of an IWC member country is not yet clear." This subcommittee has some information that whale meat is coming to Japan via South Korea. Do you have any notion of this happening?

Mr. BROWN. At least the presumption that they are coming from Taiwan and being sold to Korea and by way of South Korea to Japan.

Mr. BONKER. Is this coming primarily through pirate whaling?

Mr. BROWN. Yes.

Mr. BONKER. Japanese based?

Mr. BROWN. That gets very fuzzy as to who is financing the ships. We have approached the Government of Taiwan on this question and they have told us that they in fact are not condoning this activity. My own feeling is that pirate whaling will probably disappear. There is a lot of pressure, a lot of illumination, if you will, on the problem. The evidence is a little ambiguous. A pirate vessel is just a fishing vessel and the origin is hard to trace. The fact is that we believe the pirate whale problem is slowly drying up.

Mr. BONKER. We are getting information. You go to the IWC convention and you see all kinds of information or evidence that—

Mr. BROWN. It is information.

Mr. BONKER. Why is it that the little, nonprofit organizations that are poorly funded come up with the information and the State Department, with its vast resources, cannot do the same thing?

Mr. BROWN. We really do want to know.

Mr. BONKER. When they raised this matter?

Mr. BROWN. Continue the interchange.

Mr. BONKER. Then you have the benefit of their information?

Mr. BROWN. Yes.

Mr. BONKER. Yet they seem to be far more explicit than you.

Mr. BROWN. But they, as I say, vary and we are not exactly in a court of law, but it does seem to me that the U.S. Government has a responsibility before it approaches a foreign government to accuse them of a—

Mr. BONKER. I wonder if the CIA collects any information on whales. That is all right.

Mr. BROWN. Mr. Chairman, it is through the NGO.

Mr. FRANK. Mr. Chairman, I did discuss the type of pirating that you talked about with the Japanese. The Japanese are investigating that subject and I am confident in their efforts because it is not in the interest of their whaling association, which is putting substantial pressure on the Government to stop it. My impression is that it will be stopped and, if that is something we can get at, it will be broken. It is often hard to find the vessels that are engaged in pirate whaling. However, if we can stop the market, we can stop the trade, and that is what we are trying to do.

Mr. BONKER. When you were in Japan recently, did you meet with the members of the Japanese Whaling Association?

Mr. FRANK. Yes, sir.

Mr. BONKER. Do you have anything to share in that regard?

Mr. FRANK. They made an approach to us indicating their concern about stopping whaling and indicating how important it was to them in terms of employment and also because of the food needs of Japan. Our position, however, was one of great concern for the great whales and we are therefore pressing for a moratorium. They were very much against Japan importing the whale meat.

Mr. BONKER. So you don't think their members are engaging in whaling?

Mr. FRANK. I have no evidence that members of Japan's whaling association are engaging in illegal whaling. It is controlled under IWC regulations. It might be illegal to the extent that they exceeded the quota, we have no evidence of that, but it would not be pirate whaling, which is whaling by vessels of countries which are not members of the IWC.

Mr. BONKER. That is a pretty big organization in Japan. Didn't you get that impression?

Mr. FRANK. I don't know its size.

Mr. BONKER. Mr. Frank, I guess I will ask this of Mr. Brown.

Mr. Frank made a statement that if we are going to look for more favorable voting patterns in the IWC, we are going to have to enlist some good conservation-minded countries to join the IWC. He mentioned Panama and Switzerland. In your comments, Mr. Brown, you talked about contacting members. What is the State Department doing about contacting good nonmembers of the IWC?

Mr. BROWN. Our position is that we would be interested in new members.

Mr. BONKER. I am sure you would welcome anybody, but are you taking the initiative to contact any countries?

Mr. BROWN. Yes; we have a fair number of them. You have to understand, however, that it is kind of a mixed blessing. If we were to have a committee of the whole of 150 countries joining in the Commission, we might have something of a mini-U.N. with a lot of nonwhaling issues getting tied up in the whole effort, so I am not sure that we want that kind of a commission. After all, this is directed to a very technical, specialized issue and the less that it is politicized, the better. However, there are several countries that we have talked to who have shown interest, Switzerland of course being one.

Mr. BONKER. Which country?

Mr. BROWN. Switzerland being one.

Mr. BONKER. Was that our initiative or did they just volunteer?

Mr. BROWN. I think they volunteered after many approaches. In some instances we are responsible for other countries doing it. Last year Sweden joined.

Mr. BONKER. Yes. Can you give the subcommittee just another two or three countries that you have contacted?

Mr. BROWN. Ecuador, Portugal. There is some question whether we will get Portugal to join. I think it would be important. They do take whales.

Mr. BONKER. They do take whales?

Mr. BROWN. Yes. That is where a lot of our whaling problems come from.

Mr. BONKER. Well, with Portuguese complicity, why on earth would you want Portugal on the Commission?

Mr. BROWN. Because then presumably you have some control.

Mr. BONKER. I understand; but my question was getting good conservation-minded countries like Switzerland.

Mr. BROWN. Do you want me to give you a list for the record?

Mr. BONKER. Yes.

[The information follows:]

INTERNATIONAL WHALING COMMISSION—MEMBERSHIP JUNE 1980

- (1) Joined IWC within last year:
 - Republic of Korea, April 1979.
 - Sweden, June 15, 1979.
 - Peru, June 18, 1979.
 - Spain, July 6, 1979.
 - Chile, July 6, 1979.
 - Switzerland, May 29, 1980.
- (2) We have received some indications of interest from the following countries: Belgium; Costa Rica (GOER said "no" but sent observer to 1979 IWC); Ecuador; India; Mauritius; Monaco; Sri Lanka; Tonga (indications were that they would join); and Venezuela (no recent interest).
Switzerland will be member by June 1980.
Portugal participated in the renegotiation of the IWC Convention.
- (3) We have approached the following countries (April 1979) and received no answer as yet:
 - Cyprus; Egypt; Finland; Ghana; Greece; Israel; Italy; Kenya; Liberia; Malaysia; Pakistan; Papua New Guinea; Trinidad and Tobago; and St. Vincent and the Grenadines.
- (4) We have received a negative reply from the following countries:
 - Botswana; Federal Republic of Germany (EC); The Gambia; Luxembourg (EC); Nigeria; Tanzania; Uruguay; and Ireland (EC).

Mr. BROWN. Here are some countries that we have approached: Cyprus, Egypt, Finland, Greece, Israel, Italy, Kenya, Liberia, Malaysia, Pakistan, the Government of Guinea, Trinidad, and then there are a number of other countries from which we have had an indication of interest with whom we have carried on some discussions and they are Belgium, Costa Rica, India, Mauritius, Morocco, Sri Lanka, Venezuela.

Mr. FRANK. You use the term "stack the deck."

Mr. BONKER. I thought that was the most prudent term to use.

Mr. FRANK. It is a term which does reflect the concern of a number of the countries on the Commission whose positions are consistent with ours. We are attempting to stop commercial whaling and to do something in a way that will be accepted by the world whaling community. I think that requires a degree of prudence on our part—how the IWC operates, what kind of membership it has. There could be a situation where they disagree with a decision of the IWC or take steps, which they are able to do under the convention, to see that it is not a decision binding on them. We must have them comply with the IWC.

Mr. BONKER. Mr. Joseph, I have not been ignoring you, I have just saved my best questions until last. The subcommittee has come across information that there was some important information prepared by the Department of the Interior or a study on the subject of subsistence needs and that it was to be completed prior to the IWC meeting. The report was that a study was complete and ready for distribution but the results didn't really confirm the earlier policy position. So the re-

port was delayed or repressed or whatever happens to reports over in the executive branch, but never was fully disseminated beyond that. Now, I understand you are kind of overhauling the report to see if you can come up with a different conclusion.

That is the information I have that I would like to have you take this opportunity to respond to.

Mr. JOSEPH. You are referring to a study by the University of Alaska.

Mr. BONKER. Yes.

Mr. JOSEPH. The IWC set criteria of about six items which they would like to have us explore as a documentation of the needs of the Eskimos. We engaged Dr. Milan to do a study for us in accordance with that set of criteria. The draft of the work that he submitted to us on May 9 was not useful in regard to the criteria set by the IWC. That suggests then that we have to use what we can of that study, but that is why I indicated that we budgeted to do a very comprehensive study for 1981 that meets the criteria that were set by the IWC.

Mr. BONKER. Then what happens to Dr. Milan's report? Does it have credibility to use as a basis for anything or do you put it away and take the \$200,000 and do something more comprehensive?

Mr. JOSEPH. Not just us, unilaterally. We don't think the study is useful in its present form. We are going back to Dr. Milan and tell him what else we want him to do to fulfill the contract he had with us.

Mr. BONKER. I see. So you say it is not useful because it didn't fulfill the contract or it is not useful because you didn't care for the information it provided? Can you expand on that?

Mr. JOSEPH. He did not directly answer the scope of the work which was based on the specific criteria set by the IWC.

Mr. BONKER. What, in effect, did Dr. Milan report, if you can summarize it in a few sentences?

Mr. JOSEPH. I would prefer to call on someone else who has been more involved with it. This is Miss Anne Crichton from our Solicitor's office.

STATEMENT OF ANNE CRICHTON, SOLICITOR'S OFFICE, DEPARTMENT OF THE INTERIOR

Miss CRICHTON. Dr. Milan spent most of his time talking about the nutritional part of the issue in the sense of how the bowhead fulfills the nutritional need of the Alaska Eskimo people. When the Inter-agency Committee that was formed at the behest of Under Secretary Joseph came together, they were most interested in tasking whoever the individual was to do this report with the issue of cultural needs. Therefore, Dr. Milan spent much of his time talking about something that was not asked of him and a topic that was fairly well covered by the Technical Committee panel that met in Seattle in 1979—the Technical Committee of the IWC.

Mr. BONKER. So the distinction is between the nutritional part, which was the basis of Dr. Milan's study, and you are more interested in looking at the cultural part.

Miss CRICHTON. That is right. So in a sense, if I may say, his study missed the mark.

Mr. BONKER. Well, isn't the nutritional need of the aboriginals important?

Miss CRICHTON. Surely it is, and if I remember correctly, it is one of the six factors that the IWC is interested in. However, the Advisory Committee composed of nongovernmental organizations and other

governmental agencies advising Interior on the scope of the study stated what they were most interested in documenting, and that was that they felt that the IWC was most interested in hearing about subsistence use and the cultural needs of Alaska Eskimos for the bowhead whale.

Mr. BONKER. Can you submit a copy of that study to the committee? ¹

Miss CRICHTON. Yes.

Mr. BONKER. Dr. Milan's study.

Miss CRICHTON. Yes.

Mr. BONKER. Mr. Joseph, we have heard testimony now from Mr. Young that the Scientific Committee's recommendations are not really that credible. It was off the mark in the past and cannot be relied upon for some of the basic decisions that come up in the IWC. Mr. Frank says that the Scientific Committee is pretty credible and can be relied upon for these decisions. What is your feeling from the Department of the Interior and as one whose interest in this matter is most directly impacted by the Scientific Committee's recommendations?

Mr. JOSEPH. I guess the best basis is that criterion that the IWC itself set for documentation of the needs of the Alaska Eskimo, and they are suggesting in setting those criteria that they don't have that information. Now as to whether or not they are credible or not, they said, this is information we need; you go out and get it and demonstrate to us that this need exists on the basis of this set criteria, and that is what we were trying to do. So it is not up to me to assess it. All they required was additional information which they don't have, and that is what we are trying to get.

Mr. BONKER. If the IWC agreed to follow the Scientific Committee's recommendation to go to a zero quota, what do you think would be the economic and social impacts along the Alaskan coast where aboriginals traditionally live?

Mr. JOSEPH. I think Congressman Young has made that point well and I tried to emphasize that point in my testimony. We are talking about a major culture that is dependent for its self-identity upon the bowhead whale, and so if one talks about what happens if they don't have the bowhead whale, then one is talking about the loss of that which provides their own sense of being in a cultural sense and I think it is very difficult for other people to understand the importance of that. It is not only a ceremonial ritual, it is a part of that basic essence in terms of their self-understanding, so the loss of that as a basis for that means that we begin to lose the culture.

Mr. BONKER. I see. One final question to Mr. Frank. It has been suggested to the subcommittee that we ought to look toward a more positive way of dealing with this issue rather than relying on the Packwood-Magnuson amendment to make our point. One proposal is that we should provide increased allocations to countries who traditionally fish within our 200-mile zone as a quid pro quo for a country's support for the commercial whaling moratorium. Would your Interagency Committee consider such an option?

Mr. FRANK. There has been U.S. Government policy not to follow that recommendation. First of all, the decisions on the quotas are made ultimately by the Department of State on recommendations from us.

¹ The study is on file in the subcommittee staff office.

We have the policy now that in cases where countries have barriers to U.S. fishing, we have taken away quota allocations from them and have indicated that allocations have been responsive to the trade barrier issue.

We have not accepted or adopted a policy which would tie in issues other than fish to the allocations, except for the Packwood-Magnuson amendment. I would be somewhat concerned about generally taking up nonfish issues, because it would reduce our effectiveness in the areas of fish.

Mr. BONKER. I am undecided as to what to advocate, coming from the coast.

Mr. FRANK. I agree with that position.

Mr. BONKER. Mr. Frank, being a strong proponent of the free press, I would like to ask whether in your preparation for the upcoming session you plan to deal with this question, this issue of whether or not the press should have access to the deliberations that in the past have been closed off.

Mr. FRANK. The issue of press access came up last year and I think what happened is probably useful in considering what the Commission ought to do. When I first got to the Commission, the press was not allowed in; television particularly was not allowed in during the sessions. The United States undertook substantial efforts in lobbying other countries to allow the press, particularly television, to be allowed to cover the sessions. The result was that the press was admitted.

The first thing that happened during that meeting was that some individuals had a sit-in, apparently in collaboration with certain elements of the press, and red paint was spilled on the Japanese delegation and others. As a result, many Commissioners were quite concerned about what might happen if the meetings were more open to the press. My impression as a result of that is that further meetings will not be open to the press. That is, I do not think the Commission will go for it even though the United States has generally been in favor of it.

Mr. BONKER. Will that be your position in the upcoming session?

Mr. FRANK. I don't know our position. By and large, our position has been open as much as possible to the press. These meetings, by the way—

Mr. BONKER. Does that mean you have had a discussion as to how much press access is sufficient?

Mr. FRANK. I hesitate to answer definitively because we are in the process of preparing our positions. We do not have a position on that particular issue yet. I might say that these meetings are open as much as virtually any other international meeting. I know the opening session is open to the press. The press people are around in the area and can have information. I am not sure of the benefits to be gained by additional access to the press. I think we are acting consistently with the procedures of most international organizations.

Mr. BONKER. Would you be sure to submit to the subcommittee your positions once they are finalized?

Mr. FRANK. Surely.

Mr. BONKER. Including the one on the press.

Mr. FRANK. Yes.

[The material referred to follows:]

PROVISIONAL AGENDA FOR THE [32d] ANNUAL MEETING OF THE INTERNATIONAL
WHALING COMMISSION JULY 21-26 1980, AT THE BRIGHTON METROPOLE HOTEL

1. ADDRESS OF WELCOME
2. OPENING STATEMENTS
(Paper IWC/32/OS --)
3. ADOPTION OF AGENDA
4. ARRANGEMENTS FOR MEETING
5. APPOINTMENT OF COMMITTEES
(Rules of Procedure, Rule J.1.)
6. WORLD-WIDE BAN ON WHALING
(Chairman's Report of 31st Meeting, paragraph 6 and Appendix 1)
 - 6.1 Report of Technical Committee
 - 6.1.1 Procedures necessary to institute a world-wide ban on whaling
 - 6.1.2 Economic aspects of current commercial whaling
 - 6.2 Action arising
7. MORATORIUM ON ALL COMMERCIAL WHALING
(Proposal may be implemented by amendment of the Schedule, paragraph 9(d) or other paragraphs, or the addition of new paragraphs)
8. MORATORIUM ON THE TAKING OF SPERM WHALES
(Proposal may be implemented by amendment of the Schedule)
9. REVIEW OF PRESENT MANAGEMENT PROCEDURE
(Chairman's Report of 31st Meeting, paragraph 7)
 - 9.1 Report of Special Scientific Working Group
(Paper IWC/32/13)
 - 9.2 Report of Scientific Committee
 - 9.3 Consideration of proposed amendments to the Schedule.
 - 9.4 Action arising
(Changes in criteria, stock categories, or procedures will require amendment of the Schedule, including paragraph 9 or the addition of new paragraphs)

10. CONSIDERATION OF THE IMPLICATIONS FOR WHALES OF
MANAGEMENT REGIMES FOR OTHER MARINE RESOURCES
(Chairman's Report of 31st Meeting, paragraph 8 and Appendix 2)
 - 10.1 Report of Special Scientific Working Group
(Paper IWC/32/13)
 - 10.2 Report of Technical Committee
 - 10.3 Observer's report on the Diplomatic Conference
on the Conservation of Antarctic Marine Living
Resources
 - 10.4 Action arising, including adoption of a proposed
Resolution
11. WHALE SANCTUARIES
(Chairman's Report of 31st Meeting, paragraph 9)
 - 11.1 Scientific Research in the Indian Ocean Sanctuary
(Chairman's Report of 31st Meeting, Appendix 3)
 - 11.1.1 Report of the Scientific Committee
 - 11.1.2 Action arising
 - 11.2 Removal of the southern boundary limit at 55°
south to the Indian Ocean Sanctuary
(Any changes in the defined boundaries will require
amendment of the Schedule, paragraph 5)
 - 11.3 Inclusion of all cetaceans in the scope of the
Indian Ocean Sanctuary
(Any changes in the scope will require amendment of
the Schedule, paragraph 5)
 - 11.4 Examination of the general concept and
characteristics of whale sanctuaries
12. WHALE STOCKS AND CATCH LIMITS
(Chairman's Report of 31st Meeting, paragraphs 10 and 11)
 - 12.1 Report of Scientific Committee
 - 12.1.1 Effect of by-catch of female sperm
whales on the stocks and their
dynamics
(Chairman's Report of 31st Meeting, paragraph
10.2)
 - 12.1.2 Review of the North Atlantic Spain-
Portugal-British Isles Stock of fin
whales, 1980 season
(Chairman's Report of 31st Meeting, paragraph
11.3.2)

- 12.2 Action arising, 1980/81 Southern Hemisphere pelagic season and 1981 pelagic and coastal seasons elsewhere
(Changes of catch limits, of effort limitations, or areas or sub-areas, or of size limits will require amendment of the Schedule including paragraphs 2,3,8,10,11,12,14,15,16 and 18)
 - 12.2.1 Southern Hemisphere
 - 12.2.2 North Pacific
 - 12.2.3 North Atlantic
 - 12.2.4 Arctic
 - 12.2.5 Northern Indian Ocean
- 13. MEASURES TO DISCOURAGE WHALING OPERATIONS OUTSIDE IWC REGULATIONS
(Chairman's Report of 31st Meeting, paragraph 24 and Appendix 9)
 - 13.1 Prohibition on importation of whale products from and export of whaling vessels and equipment to non-member countries including reports by member nations
 - 13.2 Register of whaling vessels (Paper IWC/32/14)
 - 13.3 Additional measures aimed at restricting whaling operations working under flags of convenience
 - 13.4 Action arising
- 14. ABORIGINAL/SUBSISTENCE WHALING
(Chairman's Report of 31st Meeting, paragraph 12 and Appendix 4)
 - 14.1 Management principles and guidelines for subsistence catches of cetaceans by indigenous peoples
 - 14.2 Bering Sea stock of Bowhead whales
 - 14.2.1 Report of Scientific Committee, including results of research by the USA
 - 14.2.2 Documentation of aboriginal needs by USA
 - 14.3 Eastern Pacific stock of Gray whales
 - 14.4 West Greenland stock of humpback whales
 - 14.5 Any other aboriginal/subsistence whaling in the Arctic determined to be under the management of the IWC
 - 14.6 Action arising
(Changes in or the establishment of catch limits will require amendment of the Schedule, paragraphs 11,12 or Table 2)

15. STOCKS OF SMALL CETACEANS
(Chairman's Report of 31st Meeting, paragraph 13)
 - 15.1 Report of the Scientific Committee
 - 15.2 Consideration of the Commission's responsibilities for small cetaceans
 - 15.3 Extension of the Commission's responsibilities to include small cetaceans
(The classification of stocks and the regulation of catches may require amendment of the Schedule including paragraphs 1,12, or Table 2, or the addition of new paragraphs)
16. INTERNATIONAL DECADE OF CETACEAN RESEARCH
(Chairman's Report of 31st Meeting, paragraph 14)
 - 16.1 Report of Scientific Committee
 - 16.2 Action arising
17. COLLATION AND DISTRIBUTION OF ANNUAL SUMMARY OF NATIONAL RESEARCH, PROPOSALS, PROJECTS AND REPORTS ON CETACEANS BY THE COMMISSION
18. CETACEAN BEHAVIOUR, INTELLIGENCE AND THE ETHICS OF KILLING CETACEANS
(Chairman's Report of the 31st Meeting, paragraph 15 and Appendix 5)
 - 18.1 Report on co-sponsored meeting (Paper IWC/32/15)
 - 18.2 Report of Scientific Committee
 - 18.3 Report of Technical Committee
 - 18.4 Action arising
(Schedule amendments may be required)
19. HUMANE KILLING
(Chairman's Report of 31st Meeting, paragraph 16 and Appendix 6)
 - 19.1 Value of data presently being collected
 - 19.2 Further field observations concerning rapidity of unconsciousness and death and the nature of the injuries caused by harpooning
 - 19.3 Workshop meeting of invited experts
(Circular Communication from the Secretary dated 8 January 1980, ref: RG/CAB/3006)
 - 19.4 Prohibition on the use of cold grenades for killing cetaceans
(An amendment to the Schedule will be submitted)
 - 19.5 Effectiveness of techniques used in primitive whale fisheries and small cetacean fisheries
 - 19.6 Action arising
(Schedule amendments may be required)
20. COLLECTION OF DATA IN LOG-BOOK FORMAT
(Report of the Technical Committee IWC/31/5 "Other Matters") paragraph 2 and Circular Communication from the Secretary dated 11 October 1979, ref: RG/CAB/2774)
 - 20.1 Report of Scientific Committee
 - 20.2 Proposed amendment to the Schedule

21. PROHIBITION OF WHALING BY OPERATIONS FAILING TO SUPPLY ALL DATA STIPULATED
(Chairman's Report of 31st Meeting, paragraph 18)

(Prohibition of whaling will require amendment of the Schedule or the possible addition of new paragraphs in Section VI)
22. REVISION OF THE SCHEDULE BY LAWYERS
(Chairman's Report of 31st Meeting, paragraph 19 and Circular Communications from the Secretary dated 26 October 1979 and 26 February 1980, refs: RG/CAB/2752 and RG/CAB/3113)
 - 22.1 Report of Technical Committee
 - 22.1.1 Revisions proposed by the Working Group
 - 22.1.2 Insertion of date in paragraph 5
 - 22.2 Action arising
(Any changes will require amendment of the Schedule)
23. INFRACTIONS AND REPORTS FROM INTERNATIONAL OBSERVERS, 1979 and 1979/80 SEASONS
(Chairman's Report of 31st Meeting, paragraph 20)
 - 23.1 Report of Technical Committee
 - 23.1.1 Infractions reports from Contracting Governments (Paper IWC/32/6)
 - 23.1.2 Reports from Observers (Paper IWC/32/7)
 - 23.1.3 Matters raised at 31st Annual Meeting
(Chairman's Report of 31st Meeting, Appendix 7)
 - 23.1.4 Clarification of coastal whaling seasons
 - 23.2 Action arising
(Schedule amendments may be required)
24. INTERNATIONAL OBSERVER SCHEME
(Chairman's Report of 31st Meeting, paragraph 21 and Appendix 8)
 - 24.1 Report of Technical Committee
 - 24.1.1 Expansion of existing schemes, including funding arrangements
 - 24.1.2 Extension of schemes to cover minke whaling in the North Pacific
 - 24.1.3 Provision of Inuit observers in Greenland
 - 24.1.4 New schemes for whaling operations by Brazil, Chile, Peru and Spain
 - 24.1.5 Inclusion of other functions in duties of observers
 - 24.2 Action arising
(Changes to observer schemes may require amendment of the Schedule, paragraph 21)

25. ADOPTION OF REPORT OF THE SCIENTIFIC COMMITTEE
(to be circulated as Paper IWC/32/4)
26. ADOPTION OF REPORT OF THE TECHNICAL COMMITTEE
(to be circulated as Paper IWC/32/5)
27. FINANCE AND ADMINISTRATION
(Chairman's Report of 31st Meeting, paragraph 22)
 - 27.1 Review of Provisional Financial Statement, 1979/80 (Paper IWC/32/9)
 - 27.2 Consideration of Estimated Budget and Contributions from Member Governments 1980/81 (Paper IWC/32/9)
 - 27.3 Consideration of methods of reducing cost to the Commission of running the Annual Meeting
 - 27.4 Consideration of alternative methods of calculating contributions from Contracting Governments
 - 27.5 Consideration of sanctions against governments falling into arrears on annual contributions
(Report of the Finance and Administration Committee, IWC/31/13, page 6)
 - 27.6 Consideration of advance budget estimates for 1981/82 (Paper IWC/32/9)
28. DATE AND PLACE OF ANNUAL MEETINGS 1981 and 1982
(Rules of Procedure, Rule 31 and Report of the Finance and Administration Committee IWC/31/13, page 7)
29. ADMISSION OF PRESS TO PLENARY SESSIONS
(Chairman's Report of 31st Meeting, paragraph 29)
30. ADOPTION OF REPORT OF FINANCE AND ADMINISTRATION COMMITTEE
(to be circulated as Paper IWC/32/10)
31. REVISION OF THE INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING, 1946
(Chairman's Report of 31st Meeting, paragraph 25)
 - 31.1 Report on Drafting Group meeting held in Portugal, November 1979
 - 31.2 Report on the meeting convened by the Chairman of the Commission, 19 July 1980
(Circular Communication from the Secretary dated 22 April 1980, ref: RG/CAB/3290)
 - 31.3 Action arising

32. CO-OPERATION WITH OTHER ORGANISATIONS
(Paper IWC/32/11)

32.1 Observer's Report on ICES

32.2 Observer's Report on ICCAT

32.3 Observer's Report on ICSEAF

33. 31st ANNUAL REPORT
(draft to be circulated as Paper IWC/32/12)

34. ANY OTHER BUSINESS

NOTES TO PROVISIONAL AGENDA

(These annotations have been compiled by the Secretariat from the information available. They are not intended to define the subject area under any agenda item, nor limit discussion to the matter noted.)

Item 2. OPENING STATEMENTS

The Chairman intends to follow the practice adopted at recent meetings of accepting opening statements from Commissioners and Observers in writing only. These will be collated by the Secretariat and distributed as Commission documents at the meeting.

Item 6. WORLD-WIDE BAN ON WHALING

6.1 Report of Technical Committee

At the 31st Annual Meeting the Commission approved a recommendation put forward by Australia to consider questions related to the implementation of a ban on whaling and to obtain data on the social and economic trends in the whaling industry.

It was agreed that a Technical Committee Working Group will meet in the week prior to the 32nd Annual Meeting of the Commission to consider these questions, and Dr. G. Newman (South Africa) has accepted the invitation of the Chairman of the Technical Committee to convene the Working Group in Brighton on 16-17 July 1980.

Item 7. MORATORIUM ON ALL COMMERCIAL WHALING

The United States of America has requested this item stating:

"The existing IWC conservation program continues to have serious flaws in design and practice including, but not limited to, an unwarranted reliance on inadequate knowledge of whales and whaling. The United States of America intends to propose a complete moratorium on the commercial killing of whales as the most reasonable response to this uncertainty."

The Netherlands also supports "A Schedule amendment to the effect that all commercial whaling be prohibited until a sound conservation programme, which will ensure the survival of the whales, is in effect."

Item 7.
(cont.)

The Netherlands comments that this proposal was put forward at the last Annual Meeting but failed to obtain sufficient support. The Dutch Government considers it important that it be put to the vote again as the need and the arguments for the measure remain unchanged.

France proposes a "Total Moratorium on the Commercial Exploitation of Great Cetaceans", and has supplied the following annotation:

"During the last thirty years, the scientific studies carried on by the International Whaling Commission have resulted in improved knowledge concerning the stocks of Great Cetaceans, a necessary requirement for their preservation. These studies, particularly those based on the utilization of relatively sophisticated mathematical models applied to their populations' structure and dynamics, have permitted the control and management of these stocks.

A search for a greater accuracy in this field is all the more indispensable as the Great Cetacean species considered are so limited in number it is possible to think about taking a census of the population which would correspond to reality. It is therefore convenient to have abundant and accurate basic data available to elaborate appropriate mathematical models. On the other hand, if these models try to reflect as exactly as possible the evolutionary state of a given population, they are particularly sensitive to the sampling quality of basic data.

In spite of all the efforts made over the years to obtain accurate data, the quotas established by the International Whaling Commission with the help of these mathematical models have not permitted the prevention of an obvious over-exploitation, clearly showing the limits of the methods applied until now.

Under these circumstances, it has been necessary to protect the Humpbacks since 1965 and the Blue Whales since 1967, throughout the world, that is to say, prohibit their exploitation. Almost all of the Fin Whales and the Sei Whales had to be also classified among the protected stocks. The Sperm Whales, partially protected, show on their side a shortening of the average male size and in some sectors, an appreciable decrease in the number of pregnant females. The Right Whales, entirely protected for about forty years, show no evident recovery in their number; this example clearly shows that below a certain limit, Higher Vertebrates' populations suffer from a kind of genetic melancholy which has catastrophic consequences.

Item 7.
(cont.)

The Convention on the Whaling Industry signed in 1946 declares that it is necessary to preserve for future generations the inestimable resource Cetaceans represent. Something must be done immediately if we still want to achieve this aim. The only appropriate means to attain it is a worldwide total moratorium on the commercial exploitation of Great Cetaceans. The duration of this moratorium, at first undetermined, could be fixed afterwards in the light of knowledge progressively acquired. It is indeed indispensable that during the moratorium, scientists actively carry on their research. Their efforts should bear specially upon the most reliable evaluation of Cetacean populations' densities and their numerical evolution in relation to the study of genetic polymorphism, the only possible way of characterizing each natural population.

In 1979, the International Whaling Commission has made an important step in the protection of Cetaceans with the establishment of a sanctuary in the Indian Ocean and by forbidding hunting of all species of Great Cetaceans except Minke Whales with factory ships, that is to say, pelagic hunting.

France considers it is necessary and urgent to carry on the effort and consequently proposes a total moratorium on pelagic and coastal commercial exploitation of Great Cetaceans (Whalebone Whales and Sperm Whales) for an undetermined period."

It should be noted that Japan reserves the right to make a proposal to delete the provision of the moratorium, i.e. paragraph 9(d) from the current Schedule. It has requested that an expression to this effect is put in the annotations if any Contracting Government makes a proposal for a moratorium on commercial whaling which requires an amendment of the Schedule when any such proposal is made. Japan considers that it is unnecessary and inappropriate to discuss the matter again.

Item 8.

MORATORIUM ON THE TAKING OF SPERM WHALES

"The Government of Seychelles is deeply concerned that, following the inability of the Scientific Committee in 1979 to undertake any new analysis of North Pacific stocks of sperm whales, or to obtain any results for most of the Southern Hemisphere Divisions, the necessary extra data and analyses have still not been made available.

Given the fact that it has been impossible to justify the convening this year of a Special Meeting on Sperm Whales, and in view of the uncertainty about the states of all sperm whale stocks, Seychelles will propose an amendment to the Schedule with the effect of declaring an indefinite moratorium on all commercial taking of sperm whales."

Item 9. REVIEW OF PRESENT MANAGEMENT PROCEDURE

9.1 Report of Special Scientific Working Group

At its 31st Annual Meeting the Commission received the report of its Special Scientific Working Group, which was reviewed by the Scientific Committee and the Technical Committee Working Group on Management. The Commission endorsed the recommendations that:

- (i) the Special Scientific Working Group on Management Procedures should meet for one week well in advance of the next Annual Commission meeting to finalise their Report and
- (ii) the group should be augmented with additional experts on whale biology and population dynamics at the discretion of the Chairman of the Special Scientific Working Group

and stressed the need for the Report to be circulated to the appropriate Committees of the Commission well in advance of the next Annual Meeting to allow them adequate time to consider the recommendations.

The Special Scientific Working Group met in Honolulu, Hawaii, 20-26 March 1980 and its third report has been distributed to the Commission for study (IWC/32/13).

9.3 Consideration of proposed amendments to the Schedule

The USA submitted seven proposed Schedule amendments relating to management procedure at the 31st Annual Meeting, and the Commission referred these to the Special Scientific Working Group. Its comments are contained in the report distributed after the Honolulu meeting (IWC/32/13).

Item 10. CONSIDERATION OF THE IMPLICATIONS FOR WHALES OF MANAGEMENT REGIMES FOR OTHER MARINE RESOURCES

Last year the Commission was requested by Australia to consider how best to achieve co-ordination of its aims in the context of proposals to exploit krill or other Antarctic marine resources to ensure that the potential recovery of depleted baleen whale populations is not prejudiced. In addition, the UK suggested that krill catches should be monitored before the proposed Convention for the Conservation of Antarctic Marine Living Resources is established, and the Commission agreed that member nations be encouraged to supply krill harvesting data to the FAO. The FAO has subsequently indicated that all countries actually or potentially concerned with commercial exploitation of krill and other resources are regularly reporting data to FAO and this information will be supplied to the IWC.

10.1 Report of Special Scientific Working Group

The Scientific Committee has recognised the broad nature of the problem and stressed the need to investigate the structure and dynamics of ecosystems and to obtain basic data for management. The Commission therefore agreed that this matter be referred to the Special Scientific Group on Management Procedures since management of the ecosystem may conflict with the Commission's policy for whales. The Group has included its comments in its report (IWC/32/13).

10.2 Report of the Technical Committee

The Commission also adopted a Resolution recommending appropriate action and defining terms of reference for a Technical Committee Working Group to meet during the week prior to the 32nd Annual Meeting. Professor J.D. Ovington (Australia) has accepted the invitation of the Chairman of the Technical Committee to convene this Working Group in Brighton on 14-15 July 1980.

10.3 Observer's report on the Diplomatic Conference on the Conservation of Antarctic Marine Living Resources

The Commission agreed last year that an approach should be made to the Host Government to the Diplomatic Conference on the Conservation of Antarctic Marine Living Resources to propose the attendance of an official observer. The Government of Australia has since then invited the IWC to send an observer to the conference held in Canberra, 7-20 May 1980, and Professor J.D. Ovington (Australia) agreed to the request of the Chairman of the Commission to act in this capacity.

10.4 Action arising including adoption of a proposed Resolution

"The Government of Seychelles will present a draft Resolution to be addressed to the States which are negotiating a Convention for the Conservation of Antarctic Marine Living Resources.

This will refer to the conclusions of a meeting of Indian Ocean Coastal States on an Indian Ocean Alliance for Conservation (convened in Seychelles 14-16 April 1980).

The meeting recommended that Governments take measures to prohibit the taking of krill in the Indian Ocean sector of the Southern Ocean until such time as scientific research shows that such exploitation would not be detrimental to the whale populations of the Sanctuary established by Paragraph 5 in Section III of the Schedule."

Item 11. WHALE SANCTUARIES

11.1 Scientific Research in the Indian Ocean Sanctuary

At the 31st Annual Meeting the Commission adopted the following Resolution in relation to the establishment of a whale sanctuary in the Indian Ocean:

"Whereas a Whale Sanctuary has been established for 10 years in the Indian Ocean North of 55°S, the Commission requests

- a) that the Scientific Committee investigates
 - (1) the kind of research and the level of research efforts which will be necessary to obtain adequate information on the abundance of whales, reproductive behaviour and related scientific problems relevant to assessment of stocks which the sanctuary will give total or partial protection from whaling,
 - (2) whether it will be necessary to initiate additional research simultaneously in areas where exploitation of whales continues, in order to make comparison possible between stocks under the two different regimes;
- b) that the Scientific Committee reports on its progress in developing research proposals concerning the above mentioned problems at the 32nd Annual Meeting of the Commission."

11.2 Removal of the southern boundary limit at 55°south to the Indian Ocean Sanctuary

Seychelles has added this item with the comment that "an amendment to Section III, Paragraph 5 of the Schedule is proposed as follows:-

Delete from the second sentence the words
'with the southern boundary set at 55°south'.

The intent of this deletion is that the Sanctuary would include the entire area of sperm whaling Divisions 4, 5 and 6, baleen whaling Area IV and that part of Area III lying east of 20°east.

The Government of Seychelles will be submitting a paper in support of this proposal."

11.3 Inclusion of all cetaceans in the scope of the Indian Ocean Sanctuary

Seychelles has also added this item, stating that "an amendment to Section III, Paragraph 5 of the Schedule is proposed as follows:

In the first sentence replace the word 'whaling' with the phrase 'taking of all cetaceans'.

In the third sentence replace the phrase 'baleen or toothed whale' with the word 'cetacean'."

11.4 Examination of the general concept and characteristics of whale sanctuaries

Australia has suggested this item, indicating that

"the Commission is asked to consider the general characteristics of sanctuaries for cetaceans, including an examination of sanctuary requirements and the criteria for designation of sanctuaries in other oceans. In particular the Scientific Committee is asked to report its views on research requirements and proposals in sanctuaries."

Item 12. WHALE STOCKS AND CATCH LIMITS

The Scientific Committee will hold a Sperm Whale Workshop in Cambridge, 23-27 June, followed by the regular meeting of the Committee, 30 June-10 July 1980.

During discussions at last year's meeting, the Commission understood that while it set a catch limit for the 1980 North Pacific sperm whaling season, it would be possible to review and if necessary amend this catch limit at the 32nd Annual Meeting, following a special sperm whale meeting of the Scientific Committee. However, while progress has been made on a number of tasks assigned at the 1979 meeting and worthwhile results are likely in several projects, the overall results are unlikely to lead to any new assessments being possible in the time allotted for the proposed Special Meeting. The Special Meeting, as such, will not therefore be held, but it will be replaced by a Sperm Whale Workshop at which progress in all the projects will be reviewed and particular topics, for example, model validation, stock definition, age analyses, parameter estimation and relative abundance data including sightings, will be discussed. As a result of the Workshop, it may be possible for assessments to be undertaken subsequently by the sperm whale sub-committee during the course of the main Scientific Committee Meeting for a small number of stocks for which the Commission is likely to require priority advice this year. Such stocks might be the Japanese Coastal, Southern Hemisphere Division 9 and North Atlantic but whether or not any such assessments are possible will depend very much upon the results of the Workshop.

Item 12.
(cont.)

Japan has indicated that since the catch limits for the 1980 North Pacific coastal sperm whaling season were decided at the 31st Meeting, re-opening the matter is unnecessary and inappropriate.

12.1.1 Effect of by-catch of female sperm whales on the stocks and their dynamics

After setting catch limits for the sperm whales in the North Pacific at the Tokyo Special Meeting held in December 1978 which included a provision for a by-catch of females, the Commission agreed, because of difficulties with this concept, that the Scientific Committee should study the effect of such a by-catch of females on the stocks and their dynamics. The provision for a by-catch of females was continued in the catch limits adopted at the 31st Annual Meeting, and both the UK and the USA expressed their continuing concern that this problem should be investigated.

12.1.2 Review of the North Atlantic Spain-Portugal-British Isles stock of fin whales, 1980 season

The Spanish Government has specifically requested that this item is included in the Commission's agenda, as well as those of the Scientific and Technical Committees. The following is the text of a memorandum prepared by the Spanish Ministry of Foreign Affairs relating to this subject.

"In relation to the objection presented by Spain to the quota of fin whales for the area of Spain-Portugal-British Isles decided at the last meeting of the Commission held in London, June 9-13, 1979, the Government of Spain considers that the formal reasons by which the objection was motivated do subsist. Therefore, this objection cannot be withdrawn; nevertheless, considering the maintenance of the internal cohesion of the Organisation, and not desiring to adopt unilateral positions, the Government of Spain formally states its decision to limit the Spanish catches in the area to 143 whales, as established at the said meeting during the Executive Council.

In keeping with this position of full collaboration with the aims of the Organisation and with the measures that are being adopted to prevent activities of any pirate whaling vessel in Spanish ports and waters under Spanish jurisdiction, the Government of Spain formally requests that the revision of the mentioned quota be included in the Agenda of the next meeting of the Commission, in light of the new circumstances generated by the inactivity in the area of the vessel *Sierra* during the present year, as well as the eventual contribution of new scientific elements and statistics.

- 12.1.2 (cont.) At the same time, the Government of Spain requests that discussion and analysis of fin whale stock studies in the North Atlantic, and more precisely, in the Spain-Portugal-British Isles area be included as well in the Agenda of the Scientific Committee meeting to be held in Cambridge, from June 23 to July 10, 1980.

Spanish scientists shall participate at this meeting and shall furnish the necessary data and statistics to be used as the basis for a revision of the quota established in July 1979.

Once said quota for the Spain-Portugal-British Isles is duly revised, the Government of Spain is willing to accept the adopted decision, withdrawing the objection which was raised."

Item 13. MEASURES TO DISCOURAGE WHALING OPERATIONS OUTSIDE IWC REGULATIONS

New Zealand has asked that this item be placed after agenda item 12 "to ensure that it is accorded the prominence it deserves and that adequate time is available for a full discussion of the issues it raises. The continued flourishing of whaling under flags of convenience is of particular concern to the New Zealand Government [whose view it is] that IWC member nations have not paid sufficient attention to this important issue and that the cursory examination of such whaling operations by the Commission at its 31st Annual Meeting was indicative of this unfortunate situation."

- 13.1 Prohibition on importation of whale products from and export of whaling vessels and equipment to non-member countries including reports by member nations

At the 31st Annual Meeting the Commission adopted a Resolution put forward by the USA whereby member nations undertook:

- (a) to cease importing whale products from and exporting whaling vessels and equipment to non-member countries.
- (b) to support a textual prohibition on the above in any new international convention dealing with whales and whaling.
- (c) to consider national legislation prohibiting whaling by non-member nations within their fishery conservation zones.

13.2 Register of whaling vessels

Last year the Commission also agreed that the Secretary should draw up and distribute annually a register of whaling vessels of member countries to make it easier for Contracting Governments to take appropriate action against the whaling operations of vessels flying flags of convenience. A request for the specified information was circulated to all member governments in September 1979, followed by a reminder in January 1980. The material received is documented in IWC/32/14.

- 13.3 Additional measures aimed at restricting whaling operations under flags of convenience

New Zealand has added this item with the annotation "New Zealand is concerned at member nations' failure to focus seriously on the continuing activities of pirate whalers and wishes to ensure that the IWC examines this matter in some detail with a view to adopting additional sanctions against nations whaling outside IWC regulations."

Item 14. ABORIGINAL/SUBSISTENCE WHALING

- 14.1 Management principles and guidelines for subsistence catches of cetaceans by indigenous peoples

Australia has put forward this item, stating that "the Commission is asked to develop management principles and guidelines for subsistence catches of cetaceans by indigenous peoples, and in particular for the setting of allowable catches for the cetacean stocks involved.

It is suggested that these principles and guidelines could be embodied in a short statement which could be applied to all subsistence catches of cetaceans by indigenous peoples, in much the same way as the Commission has adopted the New Management Procedure for application to the setting of catch limits for commercially harvested whale stocks.

It is envisaged that the statement of principles and guidelines would draw upon the Resolution on Bering Sea bowhead whales adopted by the Commission at its 31st Annual Meeting."

- 14.2 Bering Sea stock of Bowhead whales

At the 31st Annual Meeting the Commission, after extensive discussion of all the various factors involved, adopted catch limits for the 1980 season, together with an accompanying Resolution. This outlined a management regime to be implemented following completion of scientific analysis and when the stock will not be subjected to undue risk. The Commission will review this proposal for a regime, the scientific analysis and the status of the Bering Sea bowhead stock at its Annual Meeting in 1981.

- 14.2.1 Report of the Scientific Committee, including results of research by the USA

The Commission understands that the Government of the USA will adopt a National Management Plan containing defined characteristics, including a research plan and expects the USA to submit an annual report on the complete results of its research.

14.2.2 Documentation of aboriginal needs by the USA

Last year's Resolution states that "The Commission intends that the needs of the aboriginals of the United States of America shall be determined by the Government of the USA, and this need based on stated factors shall be documented annually to the Technical Committee."

14.3 Eastern Pacific stock of Gray whales

14.4 West Greenland stock of humpback whales

14.5 Any other aboriginal/subsistence whaling in the Arctic determined to be under the management of the IWC

The United States of America has added these three items to the agenda, together with the indication of the Schedule amendments which may be required, under 11.6 Action arising, with the comment that "The United States of America wishes to note that the Commission has a responsibility to evaluate and to strike a balance between the status of the animals and the subsistence needs of aborigines. The Commission should therefore consider means by which to meet this responsibility."

Item 15. STOCKS OF SMALL CETACEANS

15.2 Consideration of the Commission's responsibilities for small cetaceans

During the 31st Annual Meeting of the Commission there was some discussion of the recommendations made by the Scientific Committee concerning small cetaceans. Several delegations expressed the view that small cetaceans are not properly the concern of the 1946 Convention, so that they should not be listed in the Schedule, although the small cetacean sub-committee is an appropriate forum for scientific discussion.

Some delegations were unsure of their position on this matter, but it was thought important that the recommendations on the small cetaceans should not be ignored. It was agreed, therefore to refer this matter to the 32nd Annual Meeting and Contracting Governments should seek legal advice on their positions in the meantime.

Mr. Vangstein (Bureau of International Whaling Statistics) has asked if the Antarctic pelagic catches of killer whales by the USSR in the 1979/80 season are permitted under paragraph 9(d) of the Schedule, which raises the question of whether or not paragraph 9(d) should be understood to prohibit the take by pelagic expeditions of all the species listed in Schedule paragraph 1 except minke whales, or of some other groups of species collectively described as "whales" in paragraph 9 and elsewhere in the Schedule (e.g. paragraphs 19,20,22,23, 24,25,26,27,29).

15.3 Extension of the Commission's responsibilities to include small cetaceans

Australia has put forward the title of this agenda item proposing that "the Commission should consider, subject to the discussions of Item 15.2, the need for revision of the 1946 Convention and/or amendment of the Schedule to ensure that small cetaceans are specifically made the concern of the Commission and to allow categories of small cetaceans to be listed in the Schedule. The Commission may wish to consider whether all cetaceans should be so listed, or only those subjected to directed take."

In addition, "the Government of Seychelles will submit a paper and a proposal to ensure that directed commercial taking of all species of cetaceans is covered by provisions in the Schedule."

The Netherlands wishes to propose a Schedule amendment to the effect that pending satisfactory estimates of stock sizes the commercial killing of orcas, white whales, narwhals or other small cetaceans currently not listed in the Schedule be prohibited. It states that "the Dutch Government is satisfied that the small cetaceans fall within the scope of the present Convention and that they should be listed in the Schedule so as to subject their catch to regulation. If a moratorium on all commercial whaling should not be adopted, measures should be taken to stop or prevent the commercial take of the small cetaceans until sufficient knowledge of their populations is available. The Dutch Government is especially concerned at the recent high increase of the kill of orcas in the Antarctic."

The Netherlands also propose discussion of the possibilities for action by the IWC to prevent or reduce the accidental and intentional killing of dolphins in fishing operations. It comments "the Dutch Government is concerned at the large numbers of dolphins being killed accidentally in tuna fisheries and intentionally in other fishing operations. It is suggested that the Scientific Committee consider this problem at its Annual Meeting, paying special attention to possible methods of preventing or reducing such catches and report its findings to the Commission."

The United States of America has suggested the sections of the Schedule which may require amendment to implement such action and states that "it is the view of the United States of America that the Convention does not limit the Commission's authority to adopt conservation measures for small cetaceans and that the Commission should proceed to develop such conservation measures as are warranted on a case-by-case basis with the benefit of the advice of the Scientific Committee."

- 15.3 (cont.) It should be noted that Canada proposes the deletion of Item 15.2, and the renumbering of Item 15.3 to 15.2 as follows: 15.2 "Action arising (including consideration of Scientific Committee recommendations deferred from the 31st Annual Meeting.

The parenthetical paragraph presently under item 15.3 should also be deleted as it might be interpreted to prejudge the outcome of decisions by the Commission on this issue. While the changes suggested above will not alter or reorder discussion of the subject it is [our] view that they reflect more accurately and are without prejudice to the decision of the Commission on this matter at the 31st Meeting."

Item 16. INTERNATIONAL DECADE OF CETACEAN RESEARCH

An International marking and sighting programme was conducted in Antarctic Area III as a continuation of the Southern Hemisphere minke whale assessment programme started last year. The cruise was funded by a national research allocation from Japan, contributions to the IWC Research Fund from the Governments of South Africa and the USA, and national support for the international research scientists taking part from Australia, Japan, South Africa, the UK and the USA.

At the present time the monies in the IWC Research Fund are allocated to specific projects on the recommendation of the Scientific Committee at each Annual Meeting of the Commission. This system presents problems and delays when requests for funds are made at other times of the year, and the Commission may like to consider establishing appropriate arrangements for such situations.

Item 17. COLLATION AND DISTRIBUTION OF ANNUAL SUMMARY OF NATIONAL RESEARCH PROPOSALS, PROJECTS AND REPORTS ON CETACEANS BY THE COMMISSION

Australia has added this item with the comment that "Events since the 1977 Annual Meeting of the Commission have considerably expanded the information required and considered by the Commission, the Technical Committee, Scientific Committee and Technical and Scientific Committee working groups. In addition, there are new members of the Commission who may not have ready access to sources of information available to other members. It is also apparent that there may be numbers of research projects and proposals underway in areas under the control of Contracting Governments that are of relevance to the Commission, although not necessarily directed to the acquisition of data on whaling or exploited populations of whales.

Australia proposes that the Scientific Committee consider, in conjunction with the Secretary, the desirability of the Commission arranging for the collation and distribution of an annual summary of national and regional research proposals, projects and reports on cetaceans.

Item 17. It is appreciated that such a task may impose an additional workload on the Secretariat that will need to be considered by the Commission."

Item 18. CETACEAN BEHAVIOUR AND INTELLIGENCE AND THE ETHICS OF KILLING CETACEANS

At its 31st Annual Meeting the Commission adopted a proposal in the following terms:

"The IWC will co-sponsor with other interested organizations a meeting, before June 1980, on "Cetacean Behaviour and Intelligence". The meeting will include members of the Technical Committee, members of the Scientific Committee, and outside experts invited by the co-sponsoring organizations and the IWC.

The first part of the meeting will deal with cetacean behaviour and intelligence as relevant to cetacean assessment and management. The second part of the meeting will deal with cetacean behaviour and intelligence as relevant to the ethics of killing cetaceans."

The Scientific Committee had indicated that a meeting on behavioural studies would provide conclusions of value in developing the Commission's management strategies and would also assist the Commission in the discussion of ethical aspects of whaling.

The meeting was held 28 April-1 May 1980 in Washington DC, under the Chairmanship of Professor J.D. Ovington (Australia), and his report is available as IWC/32/15.

18.4 Action arising

The United States of America has added the note that Schedule amendments may be required.

Item 19. HUMANE KILLING

19.2 Further field observations concerning rapidity of unconsciousness and death and the nature of the injuries caused by harpooning

Japan has carried out a programme of research during the 1979/80 Antarctic minke whaling season including determination of death, study of damage, pain and time of death, and improvement of methods and gear.

19.3 Workshop meeting of invited experts

A list of appropriate experts has been provided by the UK and, together with other specialists already contacted by the Secretary, it is proposed that they should be invited to a workshop meeting to be convened later this year to consider methods of improving existing killing techniques or to suggest alternative, more humane methods.

19.4 Prohibition on the use of cold grenades for killing cetaceans

Last year the Commission recommended that the use of cold grenades for killing all whale species larger than minke whales should be prohibited, and agreed to consider an appropriate amendment to the Schedule at the next meeting.

The United States of America proposes a prohibition on the use of cold grenades for killing all cetaceans, and Australia also proposes a ban on the use of cold grenades, offering the following comments in explanation: "In 1979, the Commission considered the report of the Technical Committee Working Group on Humane Killing. Two of the recommendations adopted by the Commission have a direct bearing on the use of cold grenades. A motion on the banning of the use of cold grenades on all whales larger than minke whales is to be considered by the Commission at its 32nd Annual Meeting. The Commission also strongly endorsed a recommendation that every attempt be made to investigate ways and means to shorten time-to-death by improving existing methods or developing alternative methods of killing small whales such as minke whales.

In view of the increasing proportion of small whales taken by commercial whaling operations in recent years, and the urgent need to prevent undue pain in such operations, Australia believes that the Commission should give serious consideration to the implementation of a ban on the use of the cold harpoon in all commercial whaling operations."

The Netherlands also wishes to support a Schedule amendment to the effect that the use of cold grenades in commercial whaling operations be prohibited. It comments that this proposal is a result of discussions at the last Annual Meeting, when a recommendation indicating the need for a Schedule change was adopted. It is the opinion of the Dutch Government that the prohibition of cold grenades should not be restricted to the larger species of whales.

19.6 Action arising

The United States of America has added the note that Schedule amendments may be required.

Item 20. COLLECTION OF DATA IN LOG-BOOK FORMAT

At its 31st Annual Meeting the Commission noted that the Technical Committee had agreed to consider at the next Annual Meeting a proposed amendment of the log-book format set out in the Schedule Appendix A to facilitate the collection of data on schooling proposed by the Scientific Committee.

Item 20.
(cont.)

The Scientific Committee considered that because the data required reports from all the catchers operating on a single school to be brought together, the best procedure would be to have a daily report form completed by the commander of the factory ship or in the office of the coastal whaling company. It drafted an appropriate form for this purpose (Table 1), and recommends that a requirement for all whaling operations to complete these forms and notify the information in them to the Commission should be included in the Schedule.

The Scientific Committee also recommended that the present catcher log-book should be amended as in Table 2 to provide for identification of time taken by a catcher to reach a school and start chasing after it has received a report of the school. It proposes a further amendment to separate chasing time with and without Asdic in the summary part of the log-book.

Item 21.

PROHIBITION OF WHALING BY OPERATIONS FAILING TO SUPPLY ALL DATA STIPULATED

The Netherlands has indicated that it wishes to propose "a Schedule amendment to the effect that whaling be prohibited for operations failing to supply all data stipulated under the Convention."

Last year the Commission obtained legal opinion which indicated that such prohibitions could be contained within defined limits of the Convention. After several revisions of content and language the Technical Committee recommended by a majority vote an amendment to the Schedule designed to obtain the data necessary for scientific analyses of the whale stocks. Japan stated that it already supplies all data for which it is asked, but both it and Korea found the proposal difficult to accept because it was not consistent with their own domestic legislation. Chile and Argentina considered the proposal conflicted with the rights of sovereign states and the proposed amendment failed to obtain the necessary three-quarters majority to amend the Schedule in the plenary session.

The Dutch Government considers it important that the matter be put to the vote again as the need and the arguments for this measure remain unchanged.

Item 22. REVISION OF THE SCHEDULE BY LAWYERS

22.1.1 Revisions proposed by the Working Group

At the 31st Annual Meeting a Technical Committee Working Group reported on preliminary editorial revisions of the Schedule which it had undertaken. These did not include any substantive amendments although comments were included where these appeared necessary. The changes proposed involved variation in the layout for ease of reference, some definitions in the Interpretation section and other additional improvements. A revised version of these proposals, together with a rough paste-up of the Schedule embodying the recommendations were circulated in February 1980 for comments from Contracting Governments so that the proposals can be debated at the 32nd Annual Meeting.

The only specific comment received is from the Government of Japan, which suggests the addition of the following sentence to Schedule paragraph 12(b) "The number of gray whales taken in accordance with this sub-paragraph in 1980 shall not exceed the limit shown in Table 1."

22.1.2 Insertion of date in paragraph 5

The Secretary wishes to suggest, in addition to the notes already added to the revised proposals, the following clarification of Schedule paragraph 5. At the moment there is no indication of the date from which the prohibition extends, and it would seem appropriate to amend the last sentence to read: "This prohibition will apply for 10 years from 24 October 1979, with the provision for a general review after five years, unless the Commission decides otherwise."

Item 23. INFRACTIONS AND REPORTS FROM INTERNATIONAL OBSERVERS, 1979 and 1979/80 SEASONS

The Infractions Sub-Committee of the Technical Committee will hold a preliminary meeting in Brighton on 18 July 1980, and will also meet during the week 21-26 July 1980. Its report will be circulated as IWC/32/8.

23.1.4 Clarification of coastal whaling seasons

The United States of America has added this agenda item.

23.2 Action arising

The United States of America has added the note that Schedule amendments may be required.

Item 24. INTERNATIONAL OBSERVER SCHEME

24.1.1 Expansion of existing schemes, including funding arrangements

The United States of America has added the provision for the inclusion of funding arrangements in this item.

24.1.4 New schemes for whaling operations by Brazil, Chile, Peru and Spain

The Secretary has received the opinion of the Peruvian Government relating to the interest of the International Whaling Commission to send observers to its whaling operations as follows:-

"Although the Peruvian Ministry of Fisheries accepts these observers he asks the following previous conditions:

- a) previous to the arrival of the observers, the amount of the travelling expenses should be known, as well as the possibility of being subsidized by an international organization.
- b) the name and curriculum vitae of each observer should be made known to the Peruvian authorities. These observers should be highly qualified and impartial (and should not belong to an organization for protection of species).
- c) the assigned technicians should be approved by the Peruvian authorities and should work together with the technicians of the "Instituto del Mar del Perú" previously appointed by the Peruvian Ministry of Fisheries.

Regarding the possibility that these observers will perform other whaling operation duties different from observing, the government recommends that these should only be done with previous agreement with the IWC."

Peru asks for and would appreciate the opinion of the Commission in this matter.

24.2 Action arising

The United States of America has added the note that changes to observer schemes may require amendment of the Schedule.

Item 25. ADOPTION OF REPORT OF THE SCIENTIFIC COMMITTEE

The Scientific Committee will meet in New Hall, Cambridge, 30 June - 10 July 1980, preceded by a sperm whale workshop, 23 - 27 June 1980. The reports of these meetings will be available at the opening of the Commission meeting.

Item 26. ADOPTION OF REPORT OF THE TECHNICAL COMMITTEE

Working Groups of the Technical Committee will meet in Brighton, 14 - 17 July 1980. The Technical Committee will meet during the week 21 - 26 July 1980, and its report will be distributed as soon as it is available.

Item 27. FINANCE AND ADMINISTRATION

A preliminary meeting of the Finance and Administration Committee will be held in Brighton on 18 July 1980.

27.3 Consideration of methods of reducing cost to the Commission of running the Annual Meeting

Proposals to reduce a major cost to the Commission - that of the Annual Meeting - by charging seat fees, charging observers or restricting the size of delegations were not adopted at the meeting last year, although it was agreed that they will be reconsidered at the 32nd Annual Meeting. There was some support expressed for the idea that those who cause increased costs should pay more.

27.4 Consideration of alternative methods of calculating contributions from Contracting Governments

The USA introduced proposals at the 31st Annual Meeting for a new method of calculating the contributions due from member governments and the Commission agreed to return to this matter at this year's meeting after documentation has been circulated by the USA for more careful consideration in the interim. An outline set of possible new formulae was distributed in April 1980.

27.5 Consideration of sanctions against governments falling into arrears on annual contributions

At the 31st Annual Meeting the Finance and Administration Committee noted with grave concern that the Government of Panama was in arrears of its national contribution for two years and recommended that the Commission considers whether a provision for sanctions in such instances could usefully be added to the 1946 Convention. Panama has subsequently paid its 1977/78 contribution but still owes about half of its 1978/79 contribution.

28. DATE AND PLACE OF NEXT MEETING

Because of the extreme difficulties experienced by the Secretariat in obtaining suitable accommodation for the Annual Meeting at short notice, the Finance and Administration Committee recommended last year that the decisions on the dates and venues of Annual Meetings should be decided at least two years in advance so that appropriate accommodation can be booked. A wider choice of facilities would be available if they can be booked further in advance, and it would be helpful if Contracting Governments could make any offers to host Annual Meetings at least two years in advance.

Item 29. ADMISSION OF PRESS TO PLENARY SESSIONS

No changes are being made to the existing arrangements whereby the Press are able to report plenary sessions. The Chairman and Vice-Chairman have both agreed to make themselves available to the Press at least once a day. A member of the Secretariat will also be available to the Press whenever possible.

Item 30. ADOPTION OF REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

The Finance and Administration Committee will hold a preliminary meeting in Brighton on 18 July 1980 and will also meet during the week 21 - 26 July 1980. Its report will be distributed as soon as it is available.

Item 31. REVISION OF THE INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING, 1946

31.1 Report of the Drafting Group meeting held in Portugal, November 1979

Following extensive discussion the meeting in Estoril agreed on a text for only the Preamble, the first and part of the second Articles. Subsequently Captain Cardoso, on behalf of the Portuguese Government, communicated with the participating governments to seek their views on possible ways to proceed with the work of revising the 1946 Convention.

31.2 Report on the meeting convened by the Chairman of the Commission, 19 July 1980

As it appeared that there would be considerable value in all the interested parties meeting to decide whether or not it is still worth drawing up a new Convention, especially since the view has been expressed that such a decision should precede any further activity of the Drafting Group, the Chairman of the International Whaling Commission will convene a meeting in Brighton on 19 July 1980 to discuss the issues of the need for, form and scope of a successor Convention.

An invitation has been sent to all member governments of the IWC and other parties which attended the July 1978 Copenhagen or November 1979 Estoril meetings. The results and conclusions of the meeting will be available for consideration by the IWC at its 32nd Annual Meeting.

Mr. BONKER. Well, I think this concludes not only today's hearing but this series on preparations for the upcoming IWC session. The Congress will be represented in an observer capacity by Congressman Pete McCloskey, who serves on the Merchant Marine and Fisheries Committee, by Congressman Les AuCoin, who also serves on Merchant Marine, and hopefully by myself. So we will be there in full support of your efforts without exception.

I want to thank you for taking the time to be present today, for your excellent testimony, and for your responses to the questions.

The subcommittee will stand adjourned.

[Whereupon, at 3:50 p.m., the subcommittee adjourned, to reconvene at the call of the Chair.]

APPENDIX 1

JAPAN TIMES ARTICLE DATED APRIL 14, 1980 ENTITLED "TWO JAPAN FISH COMPANIES SUSPECTED OF ILLEGAL WHALE MEAT PURCHASES"

TWO JAPAN FISH COMPANIES SUSPECTED OF ILLEGAL WHALE MEAT PURCHASES

Two affiliates of major Japanese fishery companies had been illegally purchasing whale meat from Taiwan via South Korea, the Kyodo News Service said Sunday.

They are Kochi Kigyo Co., an importer of whale meat for Taiyo Fishery Co., and Nichimo, a trader of fishing gears affiliated with Nippon Suisen Kaisha. Both are based in Tokyo.

The news agency said that the two firms had been importing whale meat from Taiwan, which is not a member of the International Whaling Commission (IWC), by using Korean certificates of origin because the Government bans whale meat imports from IWC non-members.

According to the Finance Ministry, Tariff Bureau, Kochi Kigyo bought 628 tons of whale meat from Korea's Marine Enterprise Co. for January, February this year, while Nichimo imported 228 tons of meat from Mi Wong Co., a Seoul trader last October.

The imports from the two Korean businesses were the frozen whale meat, which South Korea does not produce, according to fishery industry sources.

Marine Enterprise recently told the news agency that it had bought whale meat from Panama, a member of the IWC. But Ming Tai Co., a Taiwanese whaling firm, acknowledged that it had sold such meat to Marine Enterprise since last July the agency said.

On the other hand, Mi Wong Co. told the agency that it had imported 500 tons of whale meat from Taiwan at Nichimo's request, and sent 200 tons to Japan with the Korean certificate of origin. The Taiwanese exporter is believed to be Chu Feng Co.

Officials of Japan's Fisheries Agency said that they were shocked at the report that the nation's two major fishery companies had been engaged in such illegal business practices.

Both fishery firms said that they did not know the meat was from Taiwan.

But the government agencies, which suspect the two firms of having violated the Tariffs Law and the Export-Import Control Ordinance by using false certificates of origin, began questioning them about their whale-meat imports, industry sources said.

APPENDIX 2

STATEMENT OF HON. LES AU COIN, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF OREGON

As an official member of the U.S. delegation to the 32nd session of the International Whaling Commission, I'm pleased to contribute to the record of this Subcommittee as we prepare for a productive session this July in Brighton, England.

Sound preparation for this session on the part of the United States demands public input to establish a cogent national position. My remarks are addressed to four specific matters which I firmly believe rank as top priorities for that strong position: negotiation for a complete commercial moratorium; recognition of the problems posed by offshore drilling in the Beaufort Sea; a potentially excessive harvest of krill in the Antarctic and Southern Oceans and the threat this will pose to the whales' food chain; and lastly some procedural questions Chairman Bonker and I raised in a recent letter to Administrator Richard Frank.

The U.S. Congress has clearly announced its position on the pressing need for a moratorium on commercial whaling. This appears the most politically feasible goal for us to pursue in 1980. On June 25, 1979, the House of Representatives passed House Joint Resolution 143, just prior to the 31st session of the IWC. Congress expressed its will at that time. No reiteration is necessary. The U.S. government should regard this endorsement as Congress' intent that the United States pursue a commercial moratorium in 1980 as the highest priority at the 32nd session. When Congressman Jeffords and I introduced H.J.Res. 143, it was clear the whale populations could no longer tolerate commercial depletion. That fact remains equally clear today. I'm gratified to note the Administration's intent, in Mr. Frank's testimony before this Subcommittee, to negotiate a commercial moratorium vigorously. However, a mere calculation of votes as they may be cast in Brighton this summer is hardly the approach that will ensure procurement of a commercial moratorium. The United States must negotiate with strength, confident of the advances we made last year. Political breakthroughs such as this -- for the IWC is ultimately an international and political body -- are realized only by conscientious pursuit of the goal, not by concentrating on the means. I sincerely encourage the U.S. negotiators as well as all others from the United States to keep this goal foremost in mind: regardless of other countries' predisposed positions on the moratorium, the United States must use all its negotiating strength to achieve its top priority on the agenda for the 32nd session.

A second item meritorious of the IWC's attention this year is the prospect of offshore drilling in the Beaufort Sea. Cetacean conservation implicitly recognizes the delicate balance of an ecosystem and the overriding need to preserve that balance. We should all seriously examine the apparent lack of that recognition in the Bureau of Land Management's sale of leases in the Beaufort Sea. Presently the issuance of those leases awaits Judge Aubrey Robinson's decision on the merits of arguments made before him in District Court on May 15, 1980. Under contention are the many unanswered questions raised by Alaskan natives, public witnesses, and federal agencies alike during the hearing procedure on the DEIS (draft environmental impact statement). The Fish and Wildlife Service, U.S. Geological Survey and NOAA were among those agencies submitting memoranda last May in which they stated the full range of reasonable alternatives to scientific unknowns had not been explored. During the many public hearings last year, unknown impacts on the marine ecosystem were presented as compelling reason to postpone or prohibit drilling rights. Among the insufficiently answered questions number the impacts on the bowhead populations and other marine mammals, techniques of oil recovery, lack of knowledge about ice movements, resultant changes in the subsistence cultures of Alaskan natives, noise disturbances, and lack of a completed North Slope Borough Coastal Zone Management Plan. With these gaps in our preparation for drilling in the Beaufort Sea, I highly encourage the U.S. government to press for IWC research in this region. Many of the subjects considered as prerogatives for research by the IWC -- aboriginal whaling, bowhead conservation, small cetaceans -- can and should be undertaken in the Beaufort Sea.

Inadequate efforts to protect the equilibrium of an ecosystem are hardly restricted to the Beaufort Sea, however. A tangential problem is that found in the weakness of the Antarctic and Southern Oceans Convention. Little progress resulted from this month's negotiations in Canberra, Australia. Yet cetacean conservation in the future could hinge upon a stronger treaty, protective of the krill fishery resources. Krill is a small, shrimp-like crustacean highly prevalent in the southern oceans. Traditional yet fluctuating harvests of krill have been maintained by Japan and the Soviet Union. Valid scientific concern over harvest levels motivated a number of international scientific groups to investigate the Antarctic krill populations, among them the Scientific Committee on Oceanic Research, an agency of the International Council of Scientific Unions. Excessive harvests may endanger the whales' food chain in the Antarctic region. Penguins, squid, seals, and fish also feed on krill. Attention to preserving an abundant krill population is imperative while we still have adequate time to guard against excessive depletion. Congressman Bonker and I, along with eighteen of our colleagues, wrote to the Secretary of State prior to the Antarctic negotiations in May. Yet the response we received indicated little alarm over the potential decimation of the whales' food chain. It appears incumbent upon the IWC to assume this responsibility as it truly is one of the touchstones of cetacean conservation.

My final concerns, as the United States polishes its preparatory dossiers, are expressed in a letter to Administrator Richard Frank which I am submitting for the record. Once again, Congressman Bonker and I joined voices on May 5 to urge press and public access to the IWC plenary sessions, to endorse prior consultation with other IWC member governments and to clarify the definitions within the IWC of commercial and subsistence whaling. These procedural recommendations in the final analysis will enhance the credibility of the United States as we show the strength and candor to be accountable in the public eye. Press access and prior governmental consultations will foster progress by demonstrating a commitment to candid exchange in the public forum. Only this approach will mitigate skepticism over political undertones of the IWC while at the same time communicate the clear priorities of the United States government.

I look forward to substantive gains this year as the 32nd session of the IWC builds upon the accomplishments of the past. By answering the congressional mandate for a commercial moratorium, by adopting the perspective of ecosystem preservation and by guaranteeing public confidence in our participation at the IWC, the United States government can play a key role in the scenario of cetacean conservation this year. My dedication to those same goals will accompany me to Brighton in July.

APPENDIX 3

TEXT OF MAY 5, 1980 LETTER FROM SUBCOMMITTEE CHAIRMAN
BONKER AND REPRESENTATIVE LES AU COIN TO HON. RICHARD
FRANK REGARDING PROPOSALS FOR CONSIDERATION IN DEVELOPING
U.S. POSITIONS FOR UPCOMING IWC MEETING

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CHARLES C. STONE, JR., MDN.
BENJAMIN S. ROSENTHAL, N.Y.
L. R. W. HAMILTON, MDN.
LESTER L. WOLFF, N.Y.
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CARLOS COLLINS, IL.
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MURRAY J. LAUNDERMAN, CALIF.
WILLIAM J. WOODWARD, PA.
JOEL PETERSON, WASH.
MILLICENT FENNER, N.C.
SAM GUNDEL, MDN.

Congress of the United States
Committee on Foreign Affairs

House of Representatives
Washington, D.C. 20515

May 5, 1980

JOHN J. BRADY, JR.
CHIEF OF STAFF

Honorable Richard A. Frank
Administrator
National Oceanic and Atmospheric Administration
Commerce Building
14th and Constitution Avenue
Washington, D.C. 20230

Dear Commissioner Frank:

As Congressional Representatives to the 32nd International Whaling Commission, we would like to take this opportunity to propose several ideas for your consideration in developing U.S. positions for this year's annual session.

We are particularly concerned that the IWC adopt a moratorium on commercial whaling at this session. Positive developments during the past year, such as the Law of the Sea Conference decision to include in the draft treaty a section on marine mammal protection, and the accession of several new countries to the International Whaling Convention, should provide added impetus to U.S. efforts to secure IWC passage of the moratorium resolution. We strongly encourage you to secure inclusion of the moratorium question in the IWC's draft agenda and to dedicate your vigorous efforts towards realizing this goal.

The timing of the Commission's consideration of an agenda item may seriously affect the United States' ability to gain support for our position. We feel this will be especially true with respect to the aboriginal/subsistence whaling issue. Acknowledging the diversity of views on this matter, we hope that the U.S. position strikes an equitable balance between the biological needs of the whales and the subsistence needs of the aborigines. More importantly, early completion of action on this matter would facilitate a positive outcome on this issue, and we suggest that it appear as draft agenda item number six.

In your opening statement to the Commission, we ask you to call attention to another important matter: free access of the press and the public to the plenary sessions of the Commission as well as to the sessions of the Scientific and Technical Committees. The presence of the press and the public at these meetings would, we believe, make a positive contribution to the session.

Consultation with other IWC Member countries prior to the opening of the Commission is crucial to the realization of U.S. goals for the session. We would encourage you, working with the Department of State and through our Embassies, to discuss our positions with the appropriate officials in the twenty-two IWC Member countries.

It is our hope that this year's IWC session will adopt measures to increase and to strengthen international protection for the world's whales. We look forward to working with you to guarantee a successful session for the commission in 1980.

Sincerely yours,

Don Bonker

Don Bonker, Chairman
Subcommittee on International
Organizations

Les AuCoin
Les AuCoin
Member of Congress

APPENDIX 4

RESPONSE OF HON. RICHARD FRANK TO MAY 5, 1980 LETTER FROM
REPRESENTATIVES BONKER AND AUCOIN

C 6
UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Washington, D.C. 20230

THE ADMINISTRATOR

F/MM:DS

MAY 30 1980

Honorable Don Bonker
House of Representatives
Washington, D.C. 20515

Dear Don,

Thank you for your letter of May 5, 1980, concerning the preparation of the United States positions for the July 1980 International Whaling Commission (IWC) Meeting. I am pleased that you will be able to assist the Delegation in Brighton, England.

We have already taken action consistent with several of your concerns. First, the United States has placed an item entitled "Moratorium on all Commercial Whaling" on the agenda with the following annotation: "The existing IWC conservation program continues to have serious flaws in design and practice including, but not limited to, an unwarranted reliance on inadequate knowledge of whales and whaling. The United States of America intends to propose a complete moratorium on the commercial killing of whales as the most reasonable response to this uncertainty." Second, our prenegotiation plans are proceeding on schedule. I have already met with representatives from five member countries and anticipate at least one additional consultation prior to the Brighton meetings. In addition, we are working with the Department of State in planning a prenegotiation trip to Europe in early June to consult with officials of an additional eleven countries. Once again, we will work with the Department of State to prepare embassy officials in all IWC member countries to support our prenegotiation activities.

We carefully considered proposing the early consideration of aboriginal/subsistence whaling issues for the reasons you suggest. We have not done so because dealing with one of these issues, the Canadian take of narwhal and beluga, presumes that the question of the IWC's authority to manage small cetaceans has been resolved. However, the small cetaceans item may also be interpreted to include the Soviet commercial take of nearly 1,000 killer whales early this year, actions which we are determined to prevent in the future. Our judgment is that these interconnected agenda items cannot be resolved easily, and their early consideration could unnecessarily jeopardize our interests

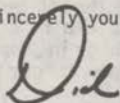


concerning killer whales and perhaps even bowhead whales. However, we still will be able to seek changes in the order of the agenda at the opening session of the IWC Meeting.

Finally, you raise the question of free access to plenary sessions and sessions of the Technical and Scientific Committees. We have fought for many years to open the Commission to public scrutiny as well as attempting to insure that our own delegation represents a diversity of views. The Commission agreed that last year's plenary sessions be open to the press and accredited observers, despite the 1978 incident involving assault on the Japanese Delegation within the IWC meeting room, and this was accomplished through the use of a remote loudspeaker system. Unfortunately, our desire to conduct the IWC's business in public not only is rejected by some member countries but has come into conflict with the need to insure personal security. I do not propose to withdraw from our position of supporting greater openness in the IWC, but I will not oppose reasonable measures taken by the Commission to provide for the security of official delegations.

I appreciate your continuing interest in and contributions to our preparations for the upcoming IWC meeting, and I look forward to working with you in Brighton.

Sincerely yours,



Richard A. Frank
United States Commissioner to the
International Whaling Commission

APPENDIX 5

ADDITIONAL COMMENT ON THE BOWHEAD WHALE CONTROVERSY SUBMITTED BY CATHERINE SMITH

As I stated earlier in our testimony, it is Friends of the Earth's belief that the bowhead whale issue is extremely complex and difficult. There are many risks and unknowns. At stake are an extremely endangered species of whale *and* a culture which has lived in harmony with the land at this far corner of the earth for tens of thousands of years. Within a matter of a few years, these people have been forced to revamp their entire lifestyle. While the 20th century has made deep inroads into their society, the remaining, uniting thread—the bowhead hunt—has continued. The Eskimos are making remarkable adjustments. They have abided by our quotas. Over a period of one year (1977-78) they reduced the struck and lost rate from 92 to 5 whales. Though there is a risk associated with continuing the hunt, we urge that these people be allowed to take a limited quota of whales until reliable data can be accumulated to help us judge whether the bowhead is rebounding, static or in jeopardy. Without such data and without the involvement of the Eskimo people, our decisions are merely shots in the dark.

APPENDIX 6

TEXT OF LETTER TO SUBCOMMITTEE CHAIRMAN BONKER FROM THE
PRESIDENT OF THE JAPAN WHALING ASSOCIATION, DATED MARCH 26,
1980

March 26, 1980

The Honorable Don Bonker
United States House of Representatives

Dear Congressman Bonker:

We would like to express our heartiest welcome to your visit to Japan. We have taken the liberty of using this occasion to submit to you, who are in a leading position concerning the whaling question in your country, a letter of request describing the views and position of the Japanese whaling industry in the hope of gaining your deeper understanding.

First, the whaling industry in Japan is one of the food industries, which has been fully integrated in the life of the Japanese people. Japan, unlike the U.S. and the European countries, is an island country of which almost 70 percent consists of mountainous areas. We have been largely dependent for our food upon the natural resources from the sea. And the whale has been one of them. It is a proved fact that our forefathers had been catching whales for food since more than 3,000 years ago.

The influence of Buddhist thought is another element in the Japanese habit of eating whale meat. A Buddhist-inspired 8th Century law, prohibiting the consumption of the meat of animals and birds, was in effect until the late 19th Century, when Japan opened its gate to the modern era. During the period, whales, which were believed to be a great fish, were greatly valued as an important protein source.

The whale also has been revered as the messenger of the god bringing prosperity to the people. To the present time there remain many tombs and monuments dedicated to the whales, which express gratitude to them. Religious ceremonies still are conducted to appease the souls of the killed whales.

- cont'd -

The Honorable Don Bonker
Page Two

Second, we believe that the act of whaling conducted without harming the status of the resources should be acknowledged as a legitimate right within the context of the international whaling convention.

As the IWC's regulations on the catching of whales were tightened, the scale of Japanese whaling and the whale meat supply in Japan was reduced to almost one fifteenth of that prevalent during the peak periods. As a result, though formerly an important part of the Japanese diet, whale meat now accounts for only one percent of the total animal protein consumption in Japan, including fish. However, there still persist a great liking for and strong demand for whale meat in Japan. This is clearly indicated in the rapid rise in the price of whale meat compared with other foods.

We are aware that there are strong voices in such countries as yours calling for the protection of whale resources. We are in full accord with those people in the conviction that whaling should in no way cause the depletion of whale stocks. We remain a member of the IWC despite some regulations aimed more at reducing whaling than protecting the resources. However, it is our belief that no member of the IWC has the right to try to impose its cultural prejudices on another.

At the last IWC annual meeting, the Commission decided that minke whales are the only whale species that can be harvested in the Antarctic. The stock of this species is increasing annually and the world's whale scientists are agreed in admitting their abundance. The catch of this species is even considered to aid in accelerating the recovery of the depleted stocks of the great whales. During the 1979/80 whaling season, we sent one mother ship and four catcher boats to the Antarctic only to harvest minke whales. We firmly believe that minke whaling on the current operational scale should be allowed, based on the international whaling convention as well as Japanese domestic law.

- cont'd -

The Honorable Don Bonker
Page Three

Third, we believe that the international research on whale resources should be expanded and reinforced.

The whale resources should be managed based on scientific grounds, not on emotion or philosophy. For this purpose, international research on whale resources should be further expanded. The IWC has called for the such research through the IDCR since 1972.

Based on our great concern for the whale resources, our association strongly demanded that the Japanese Government promote and take part in the international research program conducted by the IWC. And this has been realized in the form of the IWC/IDCR Minke Whale Assessment Cruise in the Southern Hemisphere. Two cruises already were conducted in 1978 and 1979, with six international researchers (including scientists from your country) on board the Japanese research vessels. The result of the first cruise in 1978 showed the abundance of the stock far exceeded the previous assessment in the researched areas. The results of the second cruise will be reported soon.

In addition to international research, the Japanese Government is emphasising research on the natural resources in the North Pacific, including whales. The government's annual expenditures for the project has almost reached 600 million yen (US\$2.4 million). We sincerely hope that the countries and organizations concerned with whale resources cooperate and financially assist the IWC in carrying out the necessary researches.

Fourth, efforts are being made in improving the whaling techniques to achieve more humane killing.

We have been endeavoring to improve the methods, using electricity, explosives, anesthesia and gases, etc. We are continuing these efforts with the aim of achieving instantaneous killing as well as killing without pain. During the last whaling season, Prof. Yoshihiro Hayashi, of the Medical Science Research Center, Tokyo University, was aboard our whaling vessel to conduct research on the method of killing from a veterinary point of view.

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The Honorable Don Bonker
Page Four

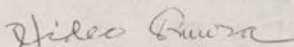
Fifth, JWA is absolutely opposed to any illegal relations with non-IWC member nations.

The Japanese Government prohibits the imports of whale products from, and the transfer of whaling technology to, the non-IWC member countries. However, some moves were witnessed to import whale products illegally to Japan via an IWC member state. As soon as we became aware of these illegal actions at an early stage, our association requested the Japanese Government to take concrete steps to cope with the situation. The illegal import suspects are now under Government scrutiny. The Japanese news media also are very critical of these doing wrong, as deceiving public opinion which supports the continuation of Japanese whaling.

Most of us in the Japanese whaling industry were born and are still living in towns and villages which have traditionally been engaged in whaling for a long time. We are proud of our industry and professions, which have been handed down from our fathers and which we intend to hand down to our children.

The Japanese Whaling Association is making utmost efforts for the continuation of whaling based on international understanding. We do hope to have your understanding and cooperation preventing the whaling controversy from falling in an extreme position. We trust that you will help to bring a fair and fruitful solution to the issue.

Very respectfully yours,


Hideo Omura
President

HO/jt

APPENDIX 7

TEXT OF MAY 22, 1980 LETTER FROM REPRESENTATIVE DON YOUNG
TO SUBCOMMITTEE CHAIRMAN BONKER REGARDING BOWHEAD WHALE
ISSUEDON YOUNG
CONGRESSMAN FOR ALL ALASKACOMMITTEES
INTERIOR AND INSULAR
AFFAIRS
MERCHANT MARINE AND
FISHERIESCongress of the United States
House of Representatives

Washington, D.C. 20515

May 22, 1980

WASHINGTON OFFICE
1219 LONGWORTH BUILDING
TELEPHONE 202-225-5765

DISTRICT OFFICES

FEDERAL BUILDING AND
U.S. COURT HOUSE
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101 12TH AVENUE, BOX 10
FAIRBANKS, ALASKA 99701
TELEPHONE 907-456-6949Honorable Don Bonker
Chairman, Sbcte. on International
Organizations
Committee on Foreign Affairs
434 Cannon HOB
Washington, D.C.

Dear Don:

I want to thank you again for the opportunity to testify before your Subcommittee on May 20th. I appreciate the chance to convey the concerns felt by Inupiat whalers in Alaska.

During the course of our discussion, I mentioned some of the whale count figures that have been used by the Scientific Committee of the IWC. As there may have been some confusion about these, I wanted to provide them to you for the record.

In 1977, the Committee determined that the bowhead population in Alaskan waters was within a range of 600 to 2000 animals. This was based on previous counts made by the National Marine Fisheries Service. In 1978, a more accurate count was made by NMFS and the 1700 animal figure obtained was extrapolated to indicate a total population size of 2264 animals. Although a count was conducted in 1979, scientific activities were hampered by poor weather and the count figures were rejected.

Again, I wish to emphasize that it is not my intent, nor that of the Inupiat people, to see the bowhead hunted to extinction. Practical management efforts based on sound scientific data are certainly called for. However, the IWC management procedures are based on initial unexploited stock size, not on current population. Thus, a harvest may be biologically feasible even though it does not necessarily fall within the framework of the IWC system. In addition, given the importance of whaling to the Inupiat people, I feel it essential that any decisions be made on the best scientific data achievable, and not on emotionalism.

If I can provide the Subcommittee with any further information or assistance, please do not hesitate to let me know.

Sincerely,

DON YOUNG
Congressman for all Alaska

DY:rhm

APPENDIX 8

STATEMENT OF ALAN MACNOW ON BEHALF OF THE JAPAN WHALING ASSOCIATION

WHALING: A FOOD PRODUCTION ETHIC

WHALES AS A RENEWABLE RESOURCE

Over the past twenty years, highly emotional debates have raged world-wide over the value of whales. On the one side, preservationists have asserted that the whale, because of its unique size and attributes, should be protected from all whaling. On the other side, both conservationists and the whaling industry, while recognizing the esthetic and intrinsic value of whales, and the need for conservation, also value the whale as an important renewable resource.

One thing which science has not found a replacement for is whale meat. This meat, so rich in protein, still nourishes millions of people around the world and may be needed to feed millions more before the end of this century.

In the words of Dr. James Mead of the Smithsonian Institution, as quoted in the December 1976 National Geographic:

"It's heresy as far as some persons are concerned, but whales are an incredibly efficient food resource. Consider an animal that starts from three or four tons at birth and—without anyone feeding it—puts on 30,000 to 40,000 pounds of meat in the space of two years. It's good meat, too, as those who have eaten it will tell you. Whales put beef cattle to shame, and we may need them one day to feed an increasingly hungry world."

Critics of whaling try to mask the importance of whale meat as a protein source by claiming that whale meat currently constitutes less than 1 percent of total Japanese protein consumption. However, the current low level of consumption of whale meat, which on a per capita basis is still greater than Americans' consumption of salmon, was forced upon the Japanese as a matter of necessity, not choice. Before whaling quotas were so drastically reduced, whales provided a significant share of Japan's fish protein. Even in 1971, after sharp cuts in quotas, Japan consumed 309,000 pounds of whale meat, an amount on a per capita basis equal to Americans' consumption of canned tuna.

As a renewable protein resource, whale meat holds great promise for future generations. At the 1976 Scientific Consultation on Conservation and Management of Marine Mammals in Bergen, Norway, it was estimated that when whale populations are rebuilt to 60 percent of their original populations, a sustainable yield of 2,500,000 tons of whale meat can be harvested annually without reducing the size of the whale populations. This amount, 50 percent more than all the edible fish and shellfish landed by American fishermen in 1979, will be able to supply the minimum daily protein requirements of over 108,000,000 people per year.

"POTENTIAL FOR INTELLIGENCE" NOT DEMONSTRATED

In all of the papers presented over the last twenty years, none has scientifically demonstrated that the large whales have any more of a "potential for intelligence," much less plain intelligence, than any other animal. Most attempts to prove "intelligence" were rationalizations which strained scientific credibility.

Worse still, in my opinion, is the fact that there has been a deliberate attempt to imbue large whales with attributes derived entirely from studies of dolphins, porpoises and killer whales. Data showing that some of the small cetaceans can be trained to respond to commands, can mimic human sounds, and can exhibit playful and sometimes innovative behavior have been unconsciously used to urge that all cetaceans have a "potential for intelligence." This line of reasoning, of equating the large whales with dolphins and porpoises, is about as valid as asserting that all primates have equal intelligence, that a rhesus monkey is as intelligent as a chimpanzee.

Evolution also often is erroneously cited as "proof" of the intelligence of whales, as if the fact that cetaceans have lived in the ocean for 25 million years ensures the accumulation of intelligence.

Evolution, of course, is not always an accumulative or apomorphic process. The fact that whales can be traced back some 25 million years is no evidence that they possess any higher degree of intelligence than any other animal.

The size of whales' brains is not indicative of intelligence either. Whales brains are large because the whale is a very big animal and necessarily has more nerves for sensing and motor control in such a large body. Comparing brains on the basis of a brain weight to body weight ratio, a blue whale's brain to body weight ratio is only 0.4 percent of a human's.

In comparing the complexity of a whale's brain with those of humans there are differences not only in brain shape and configuration, but in the fact that the density of the nerve cells in the whale's brain is much lower than that of a human.

To date, no scientific evidence has been produced to show that the physiognomy of a whales' brain is, in itself, capable of such intelligent functions as reasoning, problem solving, philosophizing or conceptualizing. Nor has any scientific evidence been produced to date which demonstrates these functions through behavior.

To quote from the Australian "Report of the Independent Inquiry conducted by Hon. Sir Sydney Frost", published in 1978:

"Some scientists also remain sceptical about the intelligence of whales for other reasons. Harrison (1978) comments that if cetacean behavior exhibited features such as an ability to count, an ability to respond to a series of commands before a sequence of tasks, or an ability to contrive escape from holding facilities then one might suspect that cetacean were 'intelligent'. He considers that most behavior of cetacea in captivity reflects natural behavior, for example, jumping, fetching and diving, and is a response to food rewards. Harrison believes that the cetacean brain is not comparable to man's and that while, for example, dolphins may be trained to fetch identified objects or to respond to their individual names, in these respects they are no more capable than a well-trained sheep dog."

Also, from the same report:

"We have already indicated that on the neuro-anatomical evidence the Inquiry is unable to make the assumption of a potential for high intelligence in the whale."

WHALE BEHAVIOR SHOWS NO EVIDENCE OF HIGHER INTELLIGENCE

For over twenty years, studies have been made of the behavior of dolphins and porpoises, without establishing that these animals have any greater level of intelligence than other animals. In most respects the learning ability of dolphins and porpoises appears no more advanced than that of dogs, or many other animals.

It is one thing to acknowledge the cleverness of dolphins, but it is quite another to project the attributes of dolphins to species of large whales, especially the baleen whales. The baleen whales are rather sluggish grazers and, apart from their morphological similarities and echo-ranging abilities, appear to have little in common with dolphins, porpoises and the killer whale. In fact, they are often food for the killer whale.

Sperm whales, too, are very different from porpoises and dolphins. Sperm whales, like cattle, form polygynous herds dominated by a single bull male. And bull whales, like cattle, fight each other to see who will dominate the harem. Even socially, the difference between dolphins and sperm whales are readily apparent.

In view of the fact that the differences between dolphins, porpoises and the large whales—in brain to body weight ratio, in behavior, and in social configurations—is significantly greater than the similarities, it would be a grave mistake to try to attribute a level of intelligence similar to the dolphins to the large whales.

VOCALIZATIONS NO EVIDENCE OF MAN-LIKE INTELLIGENCE

Many of the arguments about the intelligence level of whales sooner or later attempt to equate the clicks, squeals and moans of cetaceans with an ability to

communicate on a level indicative of a high form of intelligence. But despite the fact that these vocalizations have been investigated intensively over the past twenty years, using every method of computer analysis which could be devised, no level of communication has yet been achieved which would indicate cetacean recognition of anything more than simple commands, object identities, and such elemental needs as food, flight or assembly.

In reporting upon the January 1980 meeting of the American Association for the Advancement of Science, the March issue of *Sea Technology Magazine* stated:

"Peter Tyack, Rockefeller University, stated that all evidence indicates that the whales who sing during breeding season are male. Tyack hypothesized that humpback song could play a role in reproduction 'similar to that played by song in songbirds, and thus probably communicates species identity, sex, location, readiness to mate with females, and readiness to engage in agonistic behavior with other males.'

"John Ford, University of British Columbia, discussed research on orcas off Vancouver Island: 'The most frequently heard signals in social contexts are repetitions, stereotyped burst-pulsed calls ('S-calls'). We have found relatively few types of S-calls per killer whale pod.'

"Analyses of sounds recorded from as early as 1964 indicate that a pod's S-calls may remain stable over long periods of time. Although firm conclusions are premature, it seems likely that group-specific vocalizations are important in maintaining the cohesion and identity of killer whale social units."

The conclusions of these scientists and others, while still tentative, show no evidence that whales are capable of communicating on a level which might result in the exchange of abstract ideas, the transference of history, or the narration of experience. On the contrary, the vocalization of whales appears so far to be merely functional.

THE "ETHICS" OF WHALING

The "ethics" of whaling, if there is such a thing, on the commercial level as it is practiced today is nothing more nor less than the ethics of food production. Whales are not killed for sport, as are over 2 million deer annually in the United States. Today's commercial whaling is devoted to food production, just as is cattle ranching or chicken farming.

Today, the world's foremost scientists from 23 nations, the vast majority of them from non-whaling nations, permit only the most prudent harvest of whales from only those stocks known to be at abundance levels greater than 54 percent of their original populations. Selective moratoriums on commercial whaling have been imposed upon all other stocks. Pelegic whaling now is permitted only upon stocks of minke whales in the Antarctic, which have been reproducing at a high rate and are currently more numerous than when whaling for this species was first started in the early 1970's.

A study funded by the U.S. Fish and Wildlife Service on "Public Attitudes Towards Critical Wildlife and Natural Habitat Issues," also indicates that the vast majority of Americans see nothing unethical in whaling. A total of 77 percent of the respondents agreed that "it is all right to kill whales for a useful product as long as the animals are not threatened with extinction."

Even in Australia, a public opinion poll on whaling conducted by the Australian Conservation Foundation revealed that the majority of respondents favored the continuation of whaling on a controlled basis.

Quite obviously, with the majority of opinion in both the United States and Australia in favor of whaling, as long as it serves a useful purpose and does not lead to the extinction of whales, whaling is not generally perceived as unethical. In Japan, too, whaling is perceived as an ethical and necessary activity which helps to provide needed protein for a nation which lacks sufficient domestic food resources.

As the whales of the world are now protected so that there is no risk of extinction, as some species of whales currently can be safely harvested and utilized as a food resource, and as the stocks of whales are now safeguarded for both the esthetic enjoyment and food resources of future generations, there should be no ethical objections to the continuation of whaling for food production.

Thank you.

APPENDIX 9

STATEMENT SUBMITTED BY JACOB ADAMS, CHAIRMAN, ALASKA
ESKIMO WHALING COMMISSIONALASKA ESKIMO WHALING COMMISSION: 1980 REVIEW

The whales still come in the Spring and the Inupiat umiat still carry the hunters to the whales. The "people of the sea" live; but since 1977 their living has been threatened by external forces intent upon upsetting the historical union between the Eskimo and the bowhead whale.

The Alaska Eskimo Whaling Commission (AEWC) was formed by the Inupiat whaling captains in order to respond to the outside threats to the Inupiat way of life and to reinforce their own traditions to insure that the Inupiat culture is not threatened from within. This paper reports on the activities of the Alaska Eskimo Whaling Commission in furtherance of its community-assigned duties in research, education and management.

I. RESEARCH

AEWC priorities for research reflect its concern for proper resource management through the development of needed information concerning the bowhead whale and its habitat. Information needs include better whale counts, more and better information on age ratios and reproduction, and better information on the effects of industrial activity on bowhead whales. Habitat requirements of bowheads, particularly their food requirements and reactions to industrial noise and oil pollution, are not well known and will require much further study. Knowledge of migratory habits and reproductive behavior is still quite preliminary. Thus, a prerequisite to any management scheme is research. The AEWK has supported research in a number of ways:

LOCAL SUPPORT

- AEWK provided crews at Barrow, Wainwright, Pt. Hope and St. Lawrence Island to assist in counting whales.
- Biological samples were collected from all whales taken during the hunt.
- AEWK hosted and aided government researchers at the whaling camps.

RESEARCH PLANNING AND FINANCIAL SUPPORT

- The AEWK joined the Arctic Environmental Information and Data Center in sponsorship of a Bowhead Whale Symposium in Anchorage where research and information needs were discussed.

- AEWEC sponsored the San Diego Workshop on the Interaction Between Man-Made Noise and Vibration and Arctic Marine Wildlife to identify problem areas and recommend needed research.
- AEWEC hired Ray Dronenburg to serve as Project Director and Coordinator for whale research.
- An ambient noise study is currently being conducted under the leadership of Dr. Ellison and Dr. Cummings.
- A study is planned to record the voice of the bowhead whale as an initial step in determining whether noise affects whale communications.
- A boat will be used in the fall in a planned study to assess the effect of noise on bowhead whales.
- Research has been funded to assess whether satellite imagery may be used to find possible paths of whale travel so that aerial surveys can be conducted more efficiently.

II. EDUCATION

Closely tied to its duties in research and management, the AEWEC serves as a conduit for information between the outside communities and the local whaling villages. Whaling captains are kept informed of the status of biological research and their suggestions and observations on the behavior of whales are forwarded to the biologists. The concerns and activities of government bodies and other interested parties are conveyed to the whalers by the AEWEC and communications are made to those agencies, when appropriate. Scientific researchers are hired by the AEWEC to educate Eskimos in the use of the tools of research. Films and information are circulated to groups and individuals outside the coastal villages.

In 1980, a proposal by conservationists to take grey whales instead of bowheads was distributed by the AEWEC to the whaling captains. The suggestion raised by some conservationists, to substitute grey whales for the bowhead whale hunt, was discussed by the AEWEC Commissioners and whaling captains. Despite the inclination of most of the whaling captains to ignore an idea with deficiencies obvious to them, the AEWEC leadership urged the whaling captains to share their knowledge of living conditions in the Arctic homeland with outsiders. Comments on the Eskimo relationship with the grey whale in the coastal villages are attached.

The AEWG has invited representatives from several places to visit our villages during the Spring 1980 hunt. Words alone cannot fully depict the significance to us of the Bowhead whale hunt and we take this step in an effort to educate those outside our community and obtain an exchange of views and a sharing of perspectives.

The Commissioners of the AEWG have not yet decided whether to send representatives to the IWC either as observers or as part of the United States delegation. We do not desire to have the IWC make its deliberations in ignorance, but we have perceived that the IWC has been so disrespectful and insensitive, its methods so flawed and overwhelmed by political considerations, that we find it difficult to subject ourselves to a set of rules in the Scientific Committee which gives all consideration to whale survival and none to cultural survival. The IWC needs to spell out the rules by which our right to exist is fairly balanced with our whales' right to exist.

III. MANAGEMENT

In conjunction with the village whaling captains associations the AEWG has emphasized careful hunting methods. The AEWG Management Plan specifies permissible hunting methods as follows:

- (1) The bowhead whale may be struck with a harpoon or darting gun with line and float attached or simultaneously with harpoon and shoulder gun or darting gun.
- (2) The shoulder gun may be used
 - (i) when accompanied by harpoon with or without a darting gun,
 - (ii) after a line has been secured to the bowhead whale or,
 - (iii) when pursuing a wounded bowhead whale with a float attached to it.
- (3) The lance may be used after a line has been secured to the bowhead whale.

Hunting in any other manner is prohibited and will result in community sanctions being imposed. In addition, no one can claim a proprietary right to a bowhead whale except by striking it in a manner described in the AEWG regulations.

Research on more effective hand-held weapons has been supported by the AEWC. While some whalers have reservations about the efficacy and safety of recently suggested changes in the powder and bomb casing, at least some whalers are going to try the new bomb in the 1980 Spring hunt. The AEWC has requested the NMFS to explore the availability of other hand-held weapons.

A radio device which tracks a signal from a harpoon implanted in a whale will again be tested in 1980. This "pinger" device may enable the whaling crew to find a wounded whale which might otherwise escape, thereby improving the efficiency of the hunt.

In 1978 and 1979 the AEWC hosted international observers who reported to the IWC. The AEWC continues to be willing to receive observers and to provide observers for other aboriginal hunting.

Perhaps the most important management activities of the AEWC concern environmental protection of the whale's habitat. The AEWC commented on the inadequacies of the draft Environmental Impact Statement on the Beaufort Sea Lease Sale. When the Lease Sale went forward despite the inadequate environmental review, the AEWC joined the North Slope Borough and other plaintiffs in challenging the Lease Sale in court. During the appeals after the court delayed the sale, the Eskimo community proposed a settlement alternative which would provide for extensive research along the entire migratory path of the bowhead whale. That alternative for vitally needed research has not been accepted to date.

Finally, the AEWC has worked with the Eskimo community and the U.S. Government and the IWC to devise a management scheme that would take aboriginal whaling out of the recurring political manipulations of an international body whose function and concern and expertise is with the regulation of commercial whaling. While the U.S. Government has been receptive to the idea of a management regime, the IWC has deferred consideration of it. Nevertheless the AEWC is operating under the plan since nothing else has been brought forward which has any chance of community acceptance. Without the certainty of the plan imposed by the firm hand of the AEWC, hostility to the IWC's insensitivity and despair at oil development based on inadequate research and technology could lead to an erosion of effective, traditional community controls.

IV. OUTLOOK

Our land and our waters and our use of them are under increasing attack. Many conservationists, who themselves have a bond to the earth, seem to be so caught up in whale politics that they cannot understand our bond to the resources that are the lifeblood of our culture. In our life and death struggle to maintain our existence we have no patience with the politics of symbolism. Regardless of the decisions of any court or of the IWC, we will continue to place our emphasis on the research needed for proper resource management. A world that does not preserve cultures is as unbearable as a world that does not preserve species. Therefore, we must conserve and protect both the Inupiat culture and the bowhead whale upon which we depend.

APPENDIX 10

MONTHLY JAPANESE IMPORTS OF WHALE MEAT FROM THE WORLD, 1979

[In metric tons]

Month	ROK	Taiwan	Thai-land	Iceland	Nor-way	Spain	U.S.S.R.	Cyprus	Peru	Chile	Brazil	Total
1979												
January.....	4	0	0	12	70	621	170	283	0	0	303	1,463
February.....	100	0	0	0	35	18	52	164	0	0	0	368
March.....	292	0	0	200	56	369	5,312	0	0	0	280	651
April.....	274	0	0	126	0	0	5,253	0	332	0	0	5,985
May.....	401	0	0	0	0	359	28	297	322	0	0	1,407
June.....	125	0	5	0	0	46	162	286	0	0	0	624
July.....	253	394	0	0	0	0	488	577	371	0	0	2,083
August.....	24	0	0	36	0	530	0	0	32	27	0	649
September.....	9	0	0	103	50	0	0	0	0	0	0	163
October.....	274	0	0	876	85	1,257	30	0	0	0	0	2,522
November.....	64	0	0	2,299	526	438	372	0	0	0	117	3,816
December.....	8	0	0	16	137	1,017	299	0	0	0	382	1,858
Total.....	1,829	394	5	3,667	959	4,654	12,166	1,607	1,057	27	1,082	27,449
1980												
January.....	230	0	0	0	2	723	0	0	272	25	0	1,252
February.....	400	0	0	44	103	135	2,725	0	0	0	86	3,493
March.....	42	0	0	0	0	-----	100	-----	520	-----	248	911
April.....	111	0	0	371	0	-----	6,945	-----	-----	144	-----	7,572

Prepared by: Regional Fisheries Attaché, American Embassy, Tokyo.

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